



Community Development Department

BISMARCK PLANNING AND ZONING COMMISSION MEETING AGENDA October 26, 2016

Tom Baker Meeting Room

5:00 p.m.

City-County Office Building

Item No.

Page No.

MINUTES

1. Consider approval of the minutes of the September 28, 2016 meeting of the Bismarck Planning & Zoning Commission.

REGULAR AGENDA PUBLIC HEARINGS

The following items are requests for final action and forwarding to the City Commission

2. **Sonnet Heights Subdivision Seventh Replat (JW)** 1
 - Zoning Change (RM30 to R10) | ZC2016-018
Staff recommendation: deny ☐ approve ☐ continue ☐ table ☐ deny
 - Minor Subdivision Final Plat | MPLT2016-008
Staff recommendation: deny ☐ approve ☐ continue ☐ table ☐ deny
3. **Harvest Ridge Subdivision First Replat (WH)**
Final Plat | FPLT2016-008 7
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
4. **Lots 1-2, Block 1, Replat of Calkins Addition & Auditor's Lots A & B of the SE¹/₄ of the NE¹/₄ of Section 33, T139N-R80W/City Lands (Klee)**
Zoning Change (RM30 to PUD) | ZC2016-017 13
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny



5. **Lot 2, Block 2, Tree Top Addition (WH)**
Special Use Permit (Microbrewery) | SUP2016-01231
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

6. **Invitation to Infill and Redevelopment Plan Public Meeting**
7. **Other**

ADJOURNMENT

8. **Adjourn.** The next regular meeting date is scheduled for **November 16, 2016.**

Enclosures: Meeting Minutes of September 28 2016
 Building Permit Activity Month to Date Report for September 2016
 Building Permit Activity Year to Date Report for September 2016



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

October 26, 2016

Application for: Zoning Change

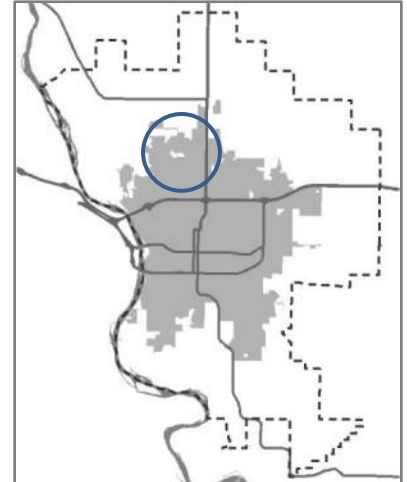
Minor Subdivision Final Plat

TRAKiT Project ID: ZC2016-018

MPLT2016-008

Project Summary

<i>Title:</i>	Sonnet Heights Subdivision Seventh Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Calvert Creek Condos LLC
<i>Project Contact:</i>	Ken Nysether, PE, SEH
<i>Location:</i>	In north Bismarck, north of Canada Avenue, east of Normandy Street, along the south side of Calvert Drive.
<i>Project Size:</i>	1.75 acres
<i>Request:</i>	Rezone and replat property to allow the construction of three single-family dwellings and the creation of a fourth lot without access to a public right-of-way.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 lot in 1 block	<i>Number of Lots:</i>	4 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Single-Family Residential
<i>Designated GMP</i>	Already zoned. Not in Future Land	<i>Designated GMP</i>	Already zoned. Not in Future Land
<i>Future Land Use:</i>	Use Plan	<i>Future Land Use:</i>	Use Plan
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	R10 – Residential
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	R10 – Single and two-family residential
<i>Max Density Allowed:</i>	RM30 – 30 units / acre	<i>Max Density Allowed:</i>	RM10 – 10 units / acre

Property History

<i>Zoned:</i>	Sonnet Heights 2/1980	<i>Platted:</i>	Sonnet Heights 12/1980	<i>Annexed:</i>	02/2007
	Sonnet Heights First Replat 05/2007		Sonnet Heights First Replat 05/2007		

Staff Analysis

The Planning and Zoning Commission, at their meeting of September 28, 2016, called for a public hearing for the proposed zoning change.

The proposed minor plat consists of four (4) proposed lots. Lots 1-3 of the proposed minor plat, adjacent to Calvert Drive, are proposed to be developed as single-family dwellings. Lot 4 of the proposed minor plat is located south of Lots 1-3 and is considered to be undevelopable as it does not have exclusive access to a right-of-way (Calvert Drive) or access to a right-of-way via a non-obstructed access easement as required in the City Code of Ordinances.

The lot configuration of the proposed minor plat was submitted for approval with the understanding that Lot 4 would not be developed by the owner and the ownership of the lot would be transferred to the City of Bismarck, the owner of the adjacent parcel. This transfer has not been accomplished, and there are currently no plans to transfer this lot to the City in the future.

As Lot 4 of the proposed minor plat is considered to be undevelopable because it does not have access, it is not appropriate for staff to recommend approval of the zoning change and the minor subdivision final plat as proposed. The owner is aware of staff's recommendation to deny the proposed zoning change and minor subdivision final plat and is working to secure a suitable property transfer. If the disposition of Lot 4 is resolved to the satisfaction of staff prior to the Planning and Zoning Commission meeting, staff will change their recommendation.

Required Findings of Fact

Zoning Change

1. The proposed zoning change is outside the area of the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve most

of the development allowed by the new zoning classification at the time the property is developed;

4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Minor Plat

1. All technical requirements for approval of a minor subdivision final plat have not been met. In particular, the proposed plat includes an undevelopable lot;
2. The requirement to provide a stormwater management plan has been waived by the City Engineer;
3. The proposed subdivision is not consistent with the general intent and purpose of the zoning ordinance as it includes a lot that does not have exclusive access to a right-of-way or access to a right-of-way via a non-obstructed access easement;
4. The proposed subdivision is not consistent with the master plan, other adopted plans, policies and accepted planning practice as it includes an undevelopable lot that would not have not have exclusive access to a right-of-way or access to a right-of-way via a non-obstructed access easement to a dedicated right-of-way; and
5. The proposed subdivision would adversely affect the public health, safety and general welfare. In particular, safety personnel would not be able to access the undevelopable lot in the event of an emergency without exclusive access to a right-of-way or access to a right-

of-way via a non-obstructed access easement to a dedicated right-of-way.

Staff Recommendation

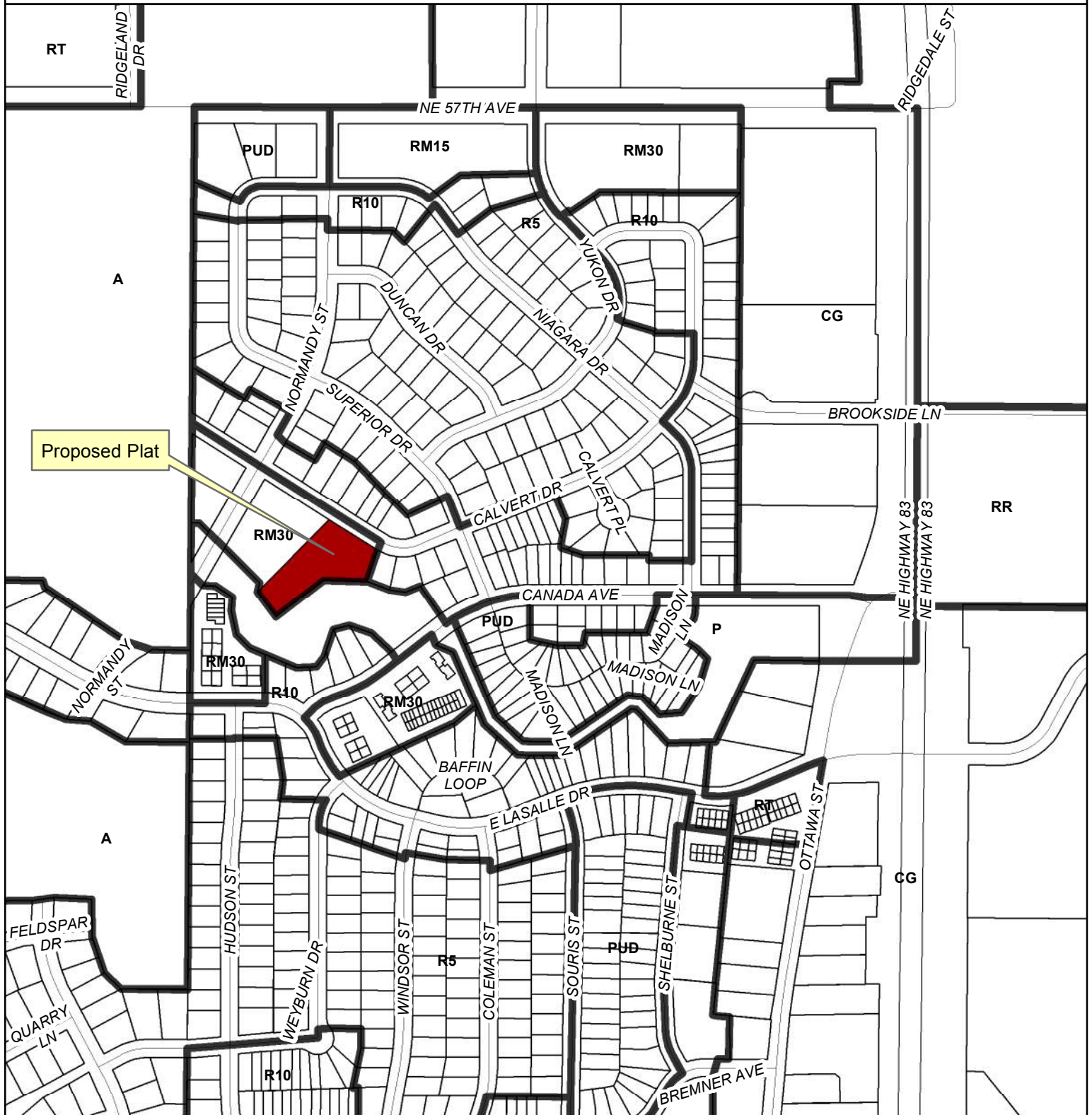
Based on the above findings, staff recommends denial of the proposed zoning change from the RM30 – Residential zoning district to the R10 – Residential zoning district and the minor subdivision final plat for Sonnet Heights Subdivision Seventh Replat.

Attachments

1. Location Map
2. Zoning Map
3. Reduction of Minor Subdivision Final Plat

Staff report prepared by: Jenny Wollmuth, CFM
701-355-1845 | jwollmuth@bismarcknd.gov

Proposed Plat and Zoning Change (RM30 to R10) Sonnet Heights Subdivision Seventh Replat



August 26, 2016 (h1b)

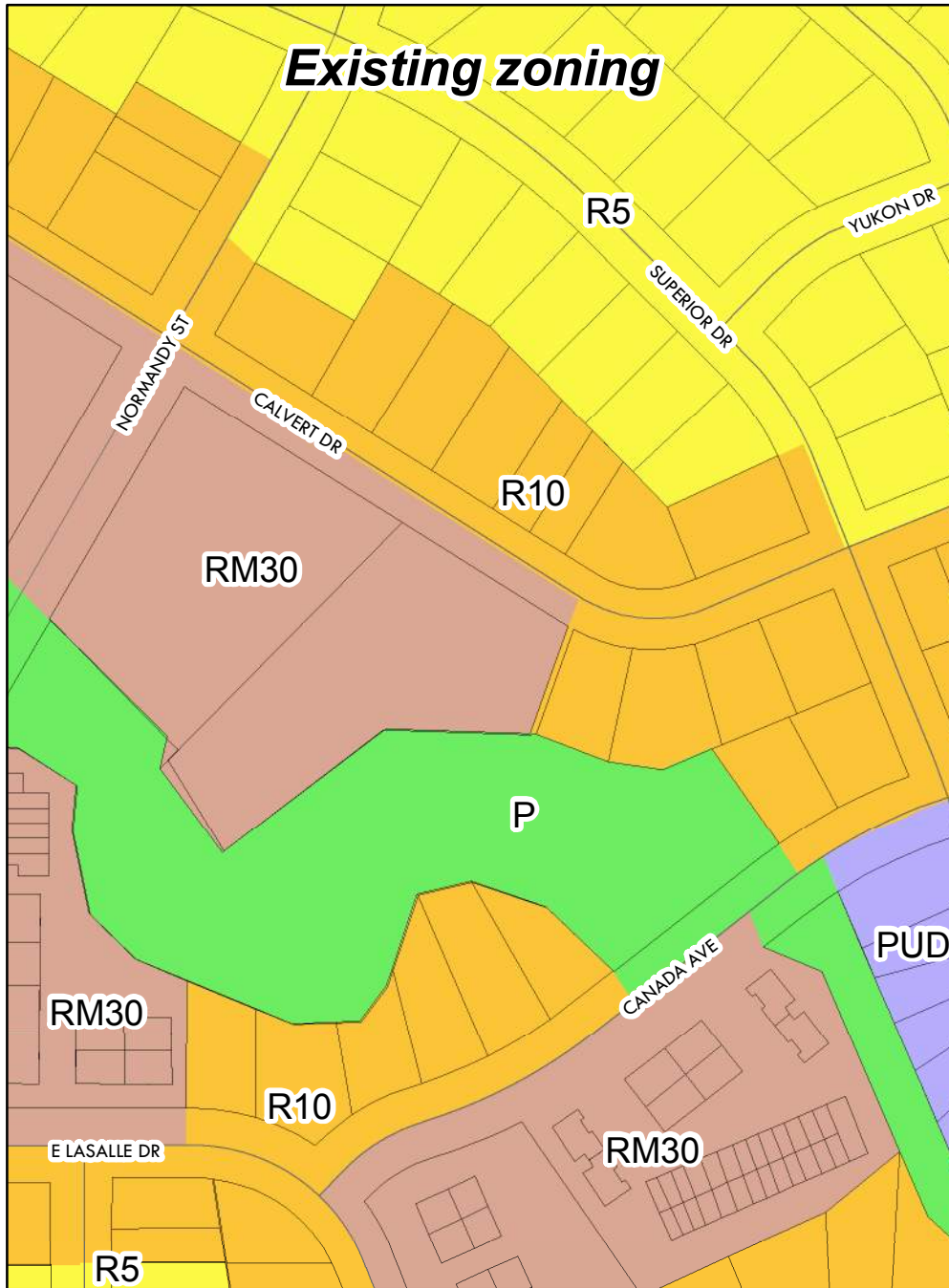
This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 200 400 800 Feet

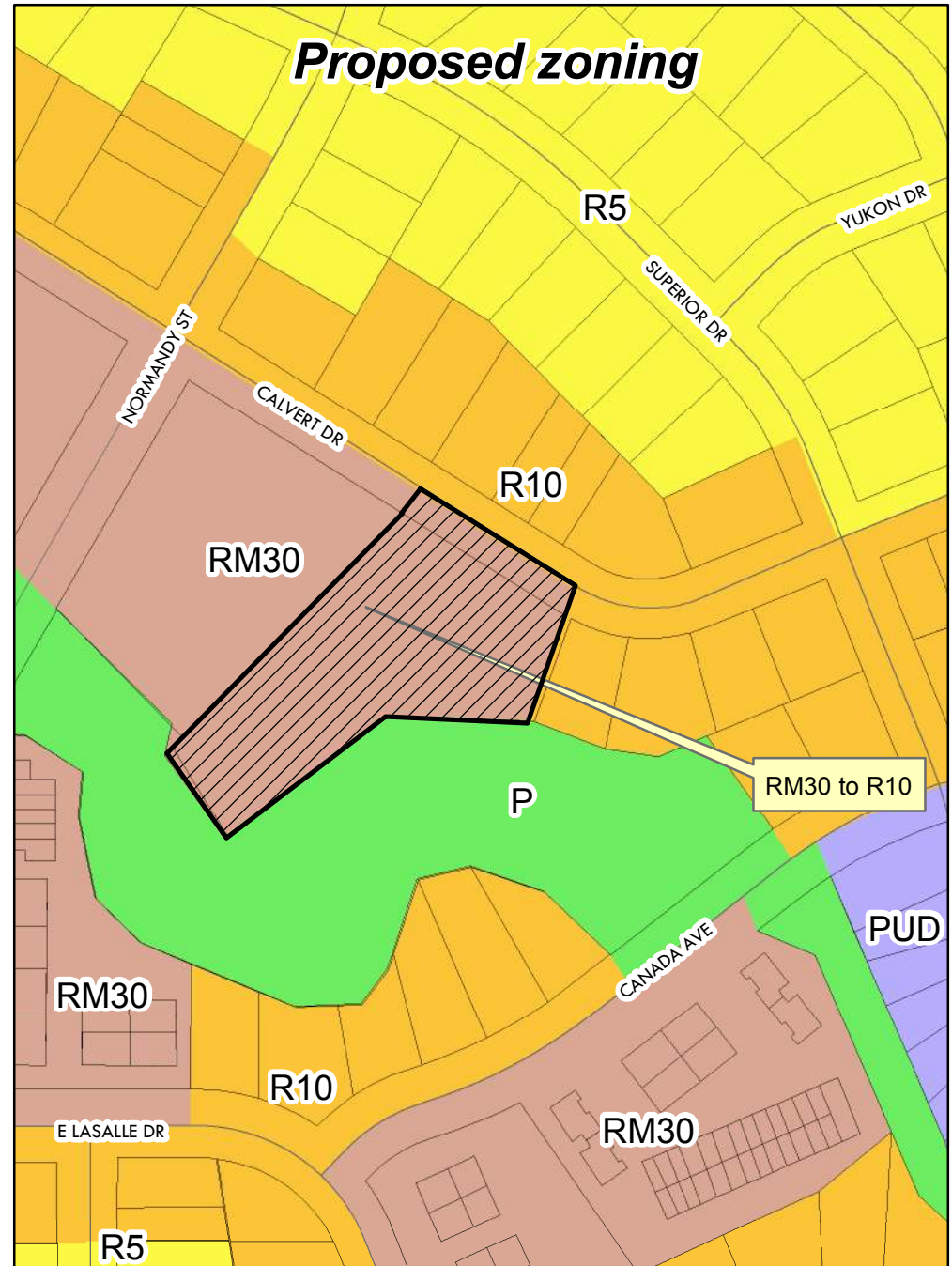


Lots 1-4, Block 1, Sonnet Heights Subdivision Seventh Replat

Existing zoning

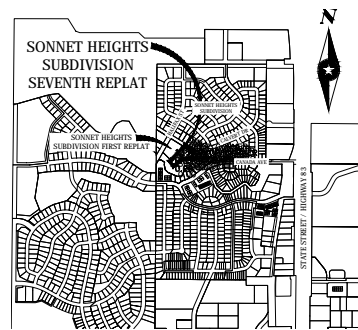


Proposed zoning

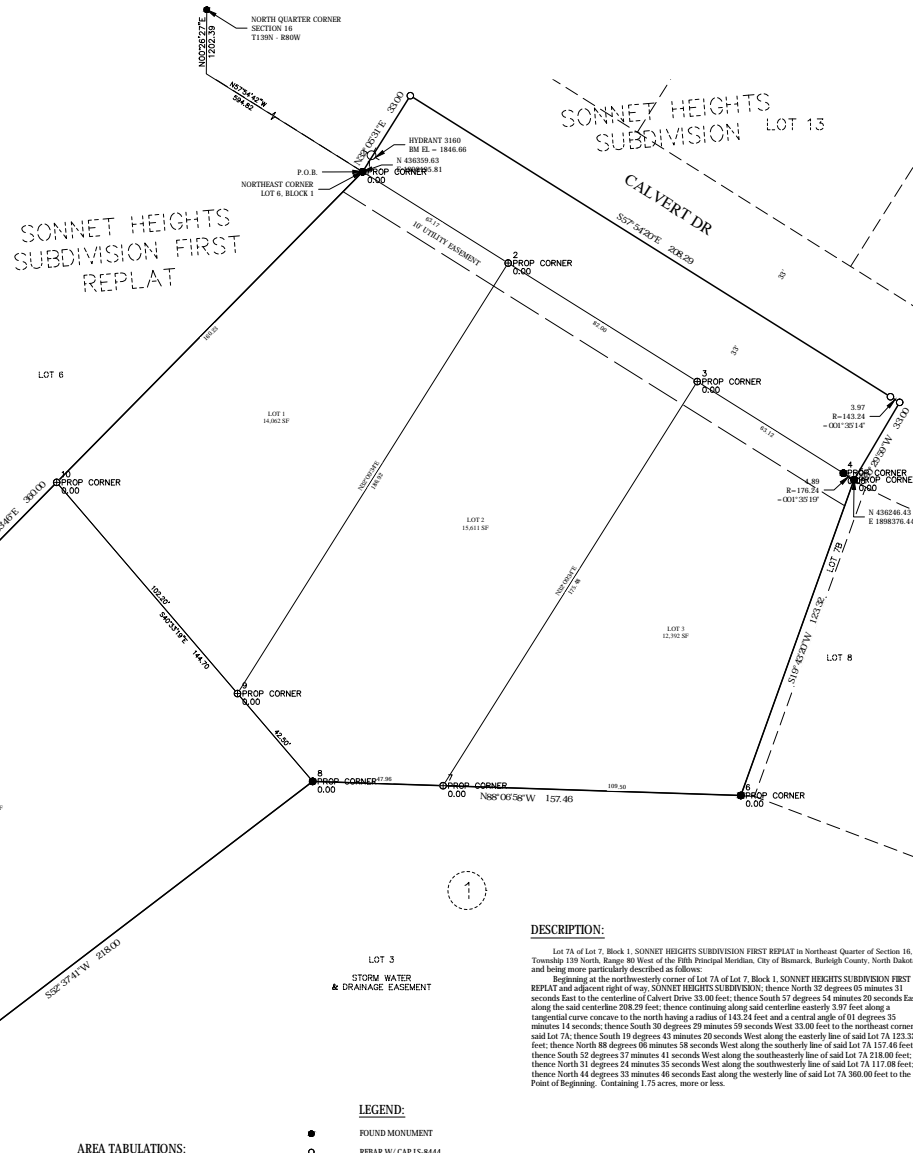


SONNET HEIGHTS SUBDIVISION SEVENTH REPLAT

Being a replat of Lot 7A of Lot 7, Block 1, Sonnet Heights Subdivision First Replat and adjoining Right of Way, Sonnet Heights Subdivision in Northeast Quarter of Section 16, Township 139 North, Range 80 West of the Fifth Principal Meridian, City of Bismarck, Burleigh County, North Dakota



VICINITY MAP
NOT TO SCALE
SEC 16, T139N, R80W



LEGEND:

- FOUND MONUMENT
- REAR W/CAP IS-8444
- PLAT BOUNDARY
- - - UTILITY EASEMENT
- - - ADJACENT LOT LINE
- SECTION LINE

AREA TABULATIONS:

Lot 1	=	14.009 SF
Lot 2	=	15.013 SF
Lot 3	=	12.392 SF
Lot 4	=	27.085 SF
Right of Way	=	7.021 SF
Total	=	76.520 SF

LOT USE:

Lot 4 is an undevelopable lot as platted hereon. It must be combined with an adjacent lot or lots and have adequate access before being developed.

BASIS OF BEARING:

Derived from State Plane coordinates.

COORDINATE DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 5302 (Adjusted 80)
International Units

VERTICAL DATUM:

NAVD 88

OWNERS:

Calvert Creek Condos, LLC.
503 Greenfield Lane
Bismarck, ND 58503

SURVEYOR:

507
4719 Shelburne St.
Bismarck, ND 58503

SURVEYED:

June 10, 2015

SURVEYOR'S CERTIFICATE:

I, Robert M. Big, a Registered Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on June 10th, 2015, that all distances are correct, that the outside boundary lines are correctly designated hereon, that all dimensional and geodetic details shown hereon are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Big
Registered Professional Land Surveyor
License No. 15-8444
STATE OF NORTH DAKOTA) SS
COUNTY OF BURLEIGH)

The foregoing instrument was acknowledged before me this _____ day of _____, 2016.

Notary Public: _____ County, North Dakota

My Commission Expires: _____

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS, That Calvert Creek Condos, LLC., owner of the following described property:

SONNET HEIGHTS SUBDIVISION SEVENTH REPLAT, AS DESCRIBED AND SHOWN HEREON, BEING A REPLAT OF LOT 7A OF LOT 7, BLOCK 1, SONNET HEIGHTS SUBDIVISION FIRST REPLAT AND ADJOINING RIGHT OF WAY, SONNET HEIGHTS SUBDIVISION, IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 139 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

Has caused the same to be surveyed and platted as SONNET HEIGHTS SUBDIVISION SEVENTH REPLAT and does hereby dedicate to the public for public use the public ways, lots and easements as created by this plat.

In witness whereof said Calvert Creek Condos, LLC., has caused these presents to be signed by its proper officers this _____ day of _____, 2016.

Wade Felton, President

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH) SS

Be it known on this _____ Day of _____, 2016, before me personally appeared Wade Felton, President, and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

Notary Public: _____ County, North Dakota

My Commission Expires: _____

APPROVAL OF CITY PLANNING COMMISSION

The subdivision of land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck, on the _____ day of _____, 2016, in accordance with the laws of the State of North Dakota, ordinances of the City of Bismarck and regulations adopted by said Planning Commission. In witness whereof are set the hands and seals of the Chairman and the Secretary of the Planning Commission of the City of Bismarck.

Wayne Lee Yeager
Chairman

Carl D. Hokenstad
Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

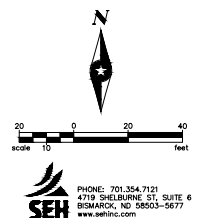
The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on the annexed plat and does hereby vacate any previous platting within the boundary of the annexed plat.

Attest
Kath J. Hunka, City Administrator

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "SONNET HEIGHTS SUBDIVISION SEVENTH REPLAT", Bismarck, North Dakota, as shown on the annexed plat.

Gabriel J. Schell, City Engineer





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3

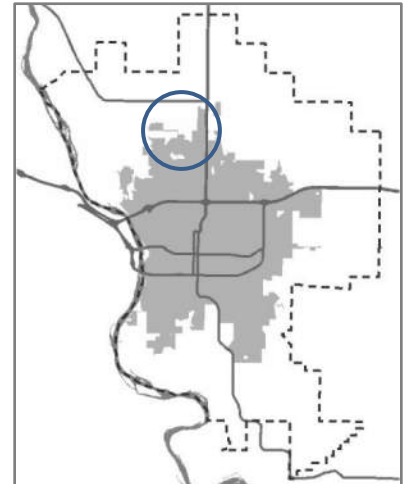
October 26, 2016

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2016-008

Project Summary

<i>Title:</i>	Harvest Ridge Subdivision First Replat
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Felton Developing, LLC
<i>Project Contact:</i>	Ken Nysether, PE, SEH
<i>Location:</i>	North of Bismarck, west of US Highway 83 and north of 84th Avenue NE along the north side of Watercress Avenue.
<i>Project Size:</i>	5.55 Acres
<i>Request:</i>	Replat property to allow development of three (3) single-family rural residential lots.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 lot in 1 block	<i>Number of Lots:</i>	3 lots in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Rural residential
<i>Designated GMP</i>	Conventional Rural Residential	<i>Designated GMP</i>	Conventional Rural Residential
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	RR – Residential	<i>Zoning:</i>	RR – Residential
<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture	<i>Uses Allowed:</i>	RR – Large lot single-family residential and limited agriculture
<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet	<i>Max Density Allowed:</i>	RR – 1 unit per 65,000 square feet

Property History

<i>Zoned:</i>	10/2012	<i>Platted:</i>	11/2012	<i>Annexed:</i>	N/A
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Staff Analysis

The Planning and Zoning Commission, at their meeting of September 28, 2016, tentatively approved the preliminary plat.

Approval of the proposed plat is being requested to allow development of 3 single-family rural residential lots.

The applicant has submitted a waiver to use a cul-de-sac (Watercress Place) within the proposed subdivision. Staff is supportive of the waiver as there is steep topography and a natural drainway north of the proposed subdivision which would impede extension of this road.

Required Findings of Fact*Final Plat*

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The requirement to provide a stormwater management plan has been waived by the City Engineer with the written concurrence of the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The proposed subdivision plat includes sufficient easements and rights-of-way to

provide for orderly development and provision of services beyond the boundaries of the subdivision;

7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the final plat for Harvest Ridge Subdivision First Replat.

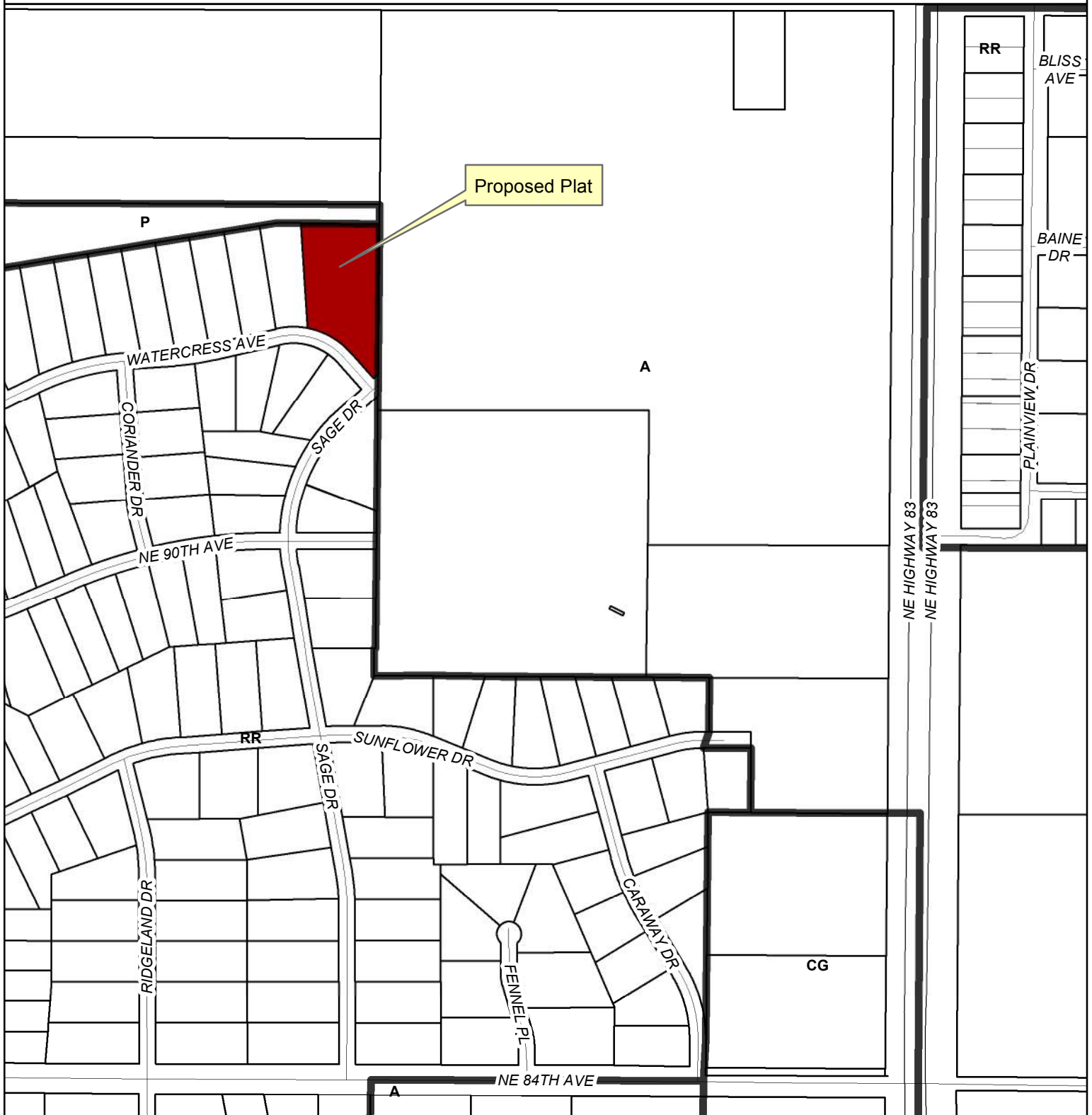
Attachments

1. Location Map
2. Reduction of Final Plat
3. Reduction of Preliminary Plat
4. Waiver for Proposed Cul-de-sac

Staff report prepared by: Will Hutchings, Planner
701-355-1850 |
whutchings@bismarcknd.gov

Proposed Plat

Harvest Ridge Subdivision First Subdivision



August 26, 2016 (hib)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 270 540 1,080 Feet



HARVEST RIDGE SUBDIVISION FIRST REPLAT

Being a replat of Lot 1, Block 1, and adjoining Right of Way, Harvest Ridge Subdivision
in Northwest Quarter of Section 33, Township 140 North, Range 80 West
of the Fifth Principal Meridian, Burleigh County, North Dakota

DESCRIPTION:

HARVEST RIDGE SUBDIVISION FIRST REPLAT being a replat of Lot 1, Block 1 and adjoining Right of Way, HARVEST RIDGE SUBDIVISION, lying in the northwest quarter of Section 33, Township 140 North, Range 80 West of the Fifth Principal Meridian, Burleigh County, North Dakota, and being more particularly described as follows:

Beginning at the northeast corner of Lot 1, Block 1 of HARVEST RIDGE SUBDIVISION; thence South 00 degrees 32 minutes 23 seconds West along the east line of said lot 780.57 feet to the centerline of Sage Dr; thence South 47 degrees 50 minutes 56 seconds West along said centerline 32.99 feet to the intersection of Sage Dr and Watercross Ave; thence North 42 degrees 00 minutes 04 seconds West along the centerline of Watercross Ave 206.31 feet; thence northwesterly along said centerline 221.48 feet along a tangential curve concave to the south having a radius of 340.00 feet and a central angle of 37 degrees 19 minutes 25 seconds; thence North 10 degrees 40 minutes 31 seconds East 40.00 feet to southwest corner of said Lot 1; thence North 03 degrees 40 minutes 12 seconds West along the west line of said Lot 1 a distance of 514.53 feet to the northwest corner of said Lot 1; thence South 89 degrees 40 minutes 12 seconds East along said north line, a distance of 388.46 feet to the Point of Beginning. Containing 5.54 acres, more or less.

WESTERN AREA POWER ADMINISTRATION WAPA TRANSMISSION LINE EASEMENT RESTRICTIONS

THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS A 125 FOOT (82.5' ON EACH SIDE OF THE CENTERLINE) EASEMENT FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT, AND RECONSTRUCT AN ELECTRICAL TRANSMISSION LINE. THE FOLLOWING ACTIVITIES ARE PROHIBITED WITHIN THE TRANSMISSION LINE EASEMENT, UNLESS REVIEWED AND APPROVED BY WESTERN AREA POWER ADMINISTRATION IN WRITING:

1. OWNER SHALL NOT ERECT ANY STRUCTURES, STRUCTURES, BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC SYSTEMS, SWIMMING POOLS, TENNIS COURTS, OR SIMILAR FACILITIES.
2. OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
3. OWNER SHALL NOT GRANT PERMISSION TO THE PUBLIC FOR THE USE OF THE EASEMENT AREA, SUCH PROHIBITED USE SHALL INCLUDE ROADS, PARKING AREAS, STORAGE FACILITIES AND RECREATION FACILITIES.
4. OWNER SHALL NOT APPRECIABLY CHANGE THE CHARACTER OF EXISTING TOPOGRAPHY. NORMAL GARDENING PRACTICES MAY BE CONDUCTED.
5. OWNER SHALL NOT ERECT OR INSTALL FENCES ON OR ACROSS THE EASEMENT AREA WITHOUT FIRST SUBMITTING THE FENCE PLANS TO WESTERN AND OBTAINING WESTERN'S WRITTEN APPROVAL.
6. NO TREES OR VEGETATION SHALL BE PLANTED WITHIN THE RIGHT OF WAY.

REQUEST FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT OF WAY SHOULD BE SUBMITTED TO THE WESTERN AREA POWER ADMINISTRATION, NORTH DAKOTA MAINTENANCE OFFICE, P.O. BOX 1173, BISMARCK, ND 58502-1173.

PARCEL CURVE DATA			
CURVE	DELTA	RADIUS	ARC LENGTH
C1	022°28'37"	380.00'	148.85'
C2	002°47'43"	380.00'	18.54'
C3	017°06'30"	440.00'	131.38'
C4	006°31'34"	440.00'	50.12'
C5	033°09'17"	60.00'	34.72'
C6	193°40'18"	60.00'	202.81'
C7	06°00'00"	40.00'	41.89'
C8	01°02'39"	360.00'	65.73'

AREA TABULATIONS:

Lots = 4.58+ Acres
Street ROW = 0.95+ Acres
Total = 5.53+ Acres

BASIS OF BEARING:

Derived from State Plane coordinates.

COORDINATE DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 80)
International Units

VERTICAL DATUM:

NAD 88

OWNERS:

Felton Developing, Inc.
580 Greenfield Lane
Bismarck, ND 58503

SURVEYOR:

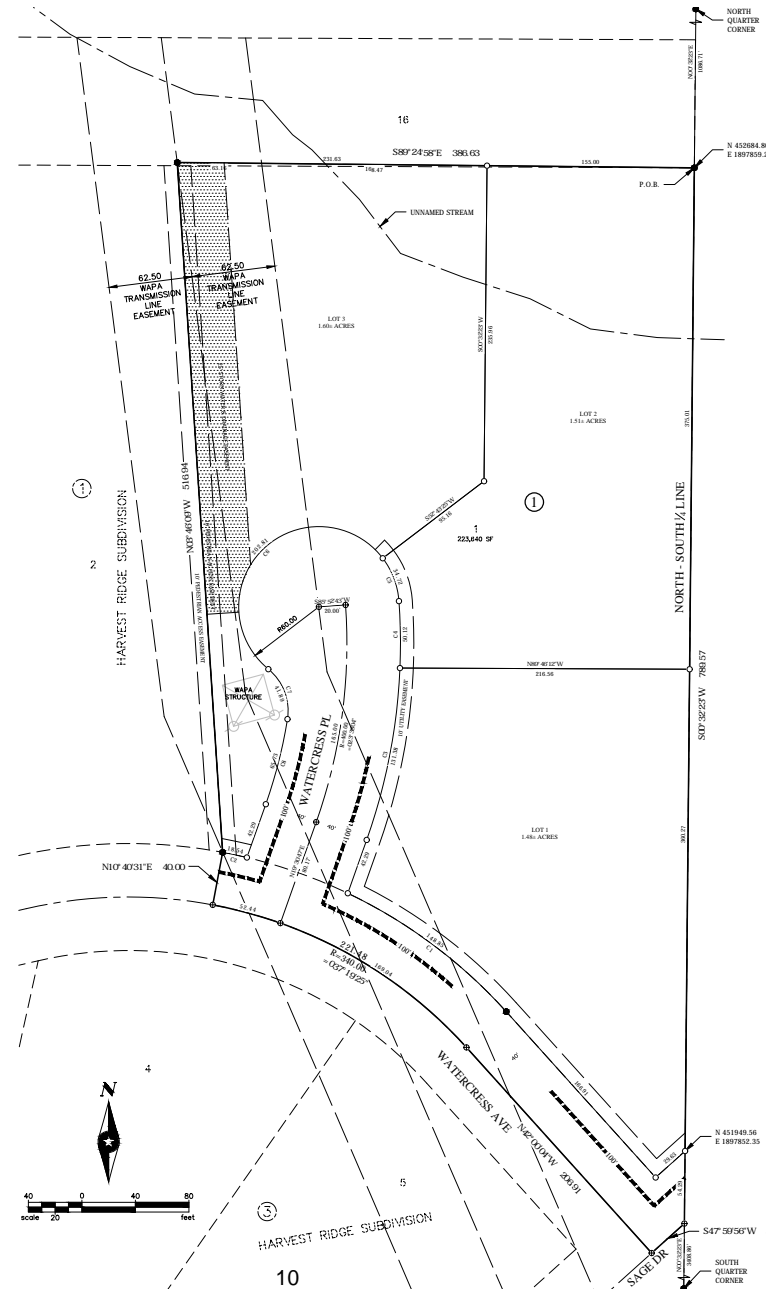
SEH / Robert M. Bigg, RLS
4719 Sheldahl St.
Bismarck, ND 58503

SURVEYED:

August 8, 2016

LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP LS-844
- ⊕ ROADWAY POINT
- PLAT BOUNDARY
- NON ACCESS LINE
- UTILITY EASEMENT
- ADJACENT LOT LINE
- SECTION LINE



SURVEYOR'S CERTIFICATE:

I, Robert M. Bigg, a Registered Land Surveyor in the State of North Dakota, hereby certify that I made the within and foregoing plat which is a correct representation of the survey prepared under my direct supervision and completed on August 8th, 2016, that all distances are correct, that the outside boundary lines are correctly designated herein, that all dimensional and geodetic details shown herein are true and correct to the best of my knowledge and belief and that all required monuments are placed in the ground as shown.

Robert M. Bigg
Registered Professional Land Surveyor
License No. LS-8444

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016.

Notary Public: _____ County, North Dakota

My Commission Expires: _____

OWNER'S CERTIFICATE AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: That Felton Developing, Inc., owner of the following described property:

HARVEST RIDGE SUBDIVISION FIRST REPLAT, AS DESCRIBED AND SHOWN HEREON BEING A REPLAT OF LOT 1, BLOCK 1 AND ADJOINING RIGHT OF WAY, HARVEST RIDGE SUBDIVISION, LYING IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 140 NORTH, RANGE 80 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BURLEIGH COUNTY, NORTH DAKOTA.

Has caused the same to be surveyed and platted as HARVEST RIDGE SUBDIVISION FIRST REPLAT and does hereby dedicate to the public for public use the public ways, lots and easements as created by this plat.

In witness whereof said Felton Developing, Inc., has caused these presents to be signed by its proper officers this ____ day of _____, 2016.

Wade Felton, President

STATE OF NORTH DAKOTA
COUNTY OF BURLEIGH

Be it known on this ____ day of _____, 2016, before me personally appeared Wade Felton, President, and acknowledged the execution and signing of the above Certificate to be their voluntary act and deed.

Notary Public: _____ County, North Dakota

My Commission Expires: _____

APPROVAL OF CITY PLANNING COMMISSION

The subdivision of land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck, on the ____ day of _____, 2016. In accordance with the laws of the State of North Dakota, and ordinances of the City of Bismarck and regulations adopted by said Planning Commission. In witness whereof are set the hands and seals of the Chairman and the Secretary of the Planning Commission of the City of Bismarck.

Wayne Lee Yeager
Chairman

Carl D. Mokenstad
Secretary

APPROVAL OF BOARD OF CITY COMMISSIONERS

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the subdivision of land as shown on the annexed plat and does hereby vacate any previous platting within the boundary of the annexed plat.

Attest:

Kerli J. Hunske, City Administrator

APPROVAL OF CITY ENGINEER

I, Gabriel J. Schell, City Engineer of the City of Bismarck, North Dakota, hereby approve "HARVEST RIDGE SUBDIVISION FIRST REPLAT" Bismarck, North Dakota, as shown on the annexed plat.

Gabriel J. Schell, City Engineer

APPROVAL OF BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of Burleigh County, North Dakota, has approved the subdivision of land as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat as an amendment to the Master Plan of Burleigh County, North Dakota, and does hereby vacate any previous platting within the boundary of the annexed plat.

The foregoing action of the Board of County Commissioners of Burleigh County, North Dakota, was taken by resolution approved the ____ day of _____, 2016.

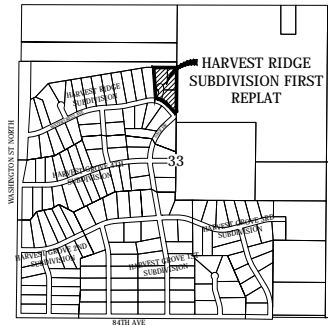
Gabriel J. Schell, City Engineer

Attest:
Kevin J. Glat, County Auditor

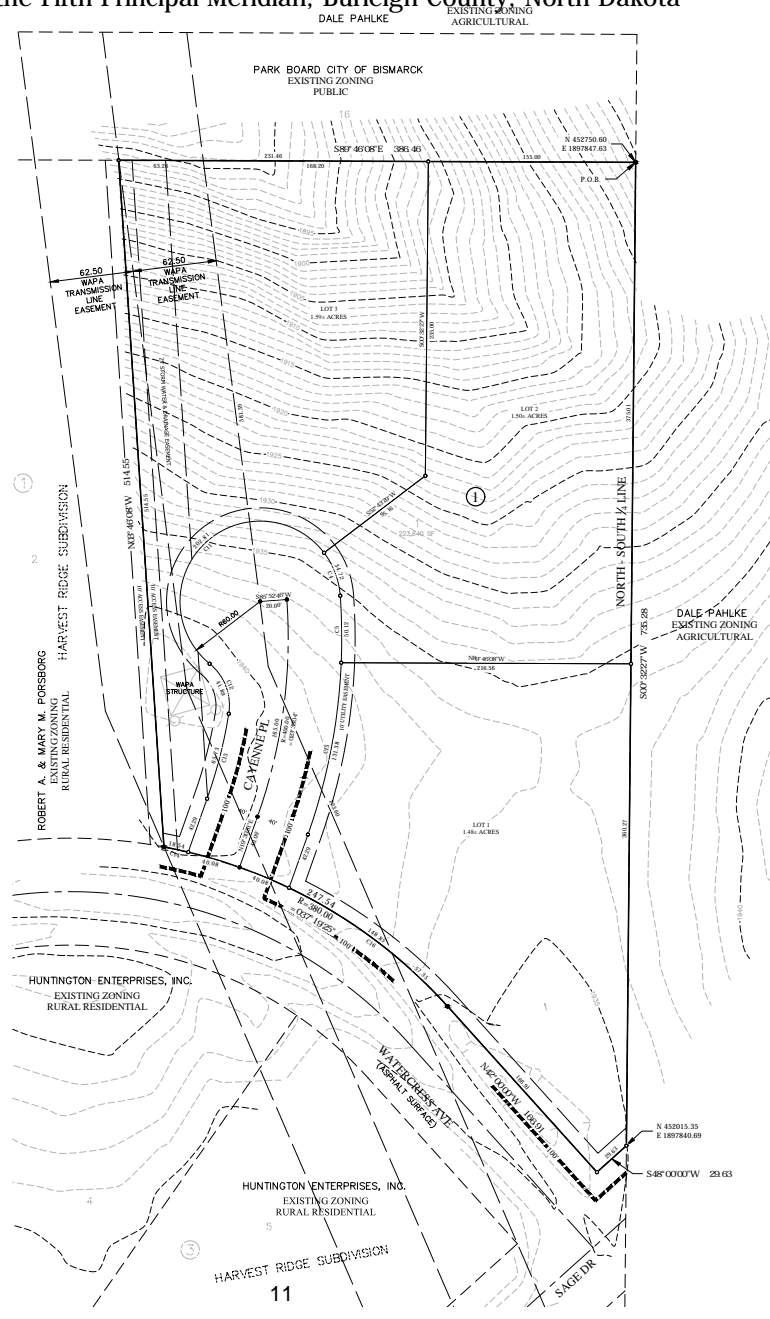
SEH
PHONE: 701.354.7121
4719 SHELDHAL ST., SUITE 8
BISMARCK, ND 58503-5677
www.sehinc.com

Preliminary Plat of HARVEST RIDGE SUBDIVISION FIRST REPLAT

Being a replat of Lot 1, Block 1, Harvest Ridge Subdivision
in Northwest Quarter of Section 33, Township 140 North, Range 80 West
of the Fifth Principal Meridian, Burleigh County, North Dakota



VICINITY MAP
NOT TO SCALE
SEC. 33, T140N, R80W



AREA TABULATIONS:

Lot 1	=	1.48± Acres
Lot 2	=	1.50± Acres
Lot 3	=	1.50± Acres
Street ROW	=	0.59± Acres
Total	=	5.13± Acres

BASIS OF BEARING:

Derived from State Plane coordinates.

COORDINATE DATUM:

North Dakota State Plane Coordinate System
NAD 83 South Zone 3302 (Adjusted 86)
International Units

VERTICAL DATUM:

NAVD 88

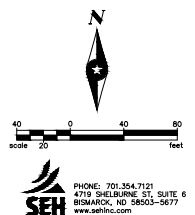
OWNERS:
Felson Developing, INC.
303 Greenfield Lane
Bismarck, ND 58503

SURVEYED:
August 8, 2016

LEGEND:

- FOUND MONUMENT
- REBAR W/ CAP IS-844
- ROADWAY POINT
- PLAT BOUNDARY
- NON ACCESS LINE
- - - UTILITY EASEMENT
- - - ADJACENT LOT LINE
- SECTION LINE

DATE: 8/26/16



SEH
PHONE: 701.354.7121
4719 SHELBOURNE ST., SUITE 6
BISMARCK, ND 58503-5677
www.sehinc.com



Building a Better World
for All of Us®

August 25, 2016

Gabe Schell, P.E.
City Engineer
City of Bismarck
221 North 5th Street
PO Box 5503
Bismarck, ND 58506-5503

Subject: Cul-de-sac justification
Harvest Ridge Subdivision 1st Replat

Dear Mr. Schell:

This letter is intended to serve as the written justification for a cul-de-sac in Harvest Ridge Subdivision 1st Replat.

Section 14-09-05(1)(n) of the Subdivision Regulations(Design Standards) states "The use of cul-de-sac streets shall be limited in order to promote a well-connected street network that provides for safe, direct and convenient access by vehicles, bicycles, and pedestrians. Cul-de-sac streets may be permitted in instances where there is no reasonable opportunity to provide for future connections to adjoining streets, including natural barriers such as topography or water features, man-made barriers such as railroad tracks, or Title 14 & 14.1 300 to discourage through traffic between incompatible land uses."

The steep topography of the proposed replat does not allow for connection to the north. A natural drainway conveys water to the west through platted park land. The reasonable opportunity of connecting a road to the north is minimal.

Please address any questions or comments about this report to the applicant's representative, Kenneth Nysether, P.E., SEH Inc. 4719 Shelburne Street, Suite 6, Bismarck, ND 58503, (701) 354-7121, knysether@sehinc.com

Sincerely,

SEH Inc.

Kenneth Nysether, P.E.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 4719 Shelburne Street, Suite 6, Bismarck, ND 58503-5677
SEH is 100% employee-owned | sehinc.com | 701.354.7121 | 888.908.8166 fax



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

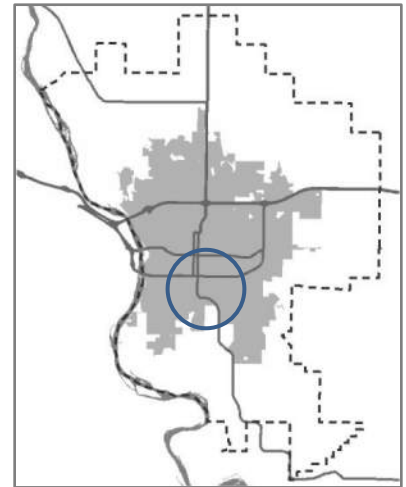
October 26, 2016

Application for: Zoning Change

TRAKiT Project ID: ZC2016-017

Project Summary

<i>Title:</i>	Lots 1 and 2, Block 1, Replat of Calkins Addition and Auditor's Lots A and B of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 33, T139N-R80W (City Lands) (1100 East Boulevard Avenue)
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Ruth Meiers Hospitality House, Inc.
<i>Project Contact:</i>	Steve Neu, Director of Organizational Development & Planning, Ruth Meiers Hospitality House, Inc.
<i>Location:</i>	In central Bismarck, along the east side of State Street at the intersection with and north of East Boulevard Avenue.
<i>Project Size:</i>	4.04 acres, more or less (entire property)
<i>Request:</i>	Rezone property to allow expansion of services and programs to both tenants and non-tenants (Ruth Meiers Transitional Living and Community Services Center).



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	One parcel	<i>Number of Lots:</i>	One parcel
<i>Land Use:</i>	Multi-family residential	<i>Land Use:</i>	Multi-family residential and community-wide programs & services
<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP Future Land Use:</i>	Already zoned. Not in Future Land Use Plan
<i>Zoning:</i>	RM30 – Residential	<i>Zoning:</i>	PUD – Planned Unit Development
<i>Uses Allowed:</i>	RM30 – Multi-family residential	<i>Uses Allowed:</i>	PUD – Uses specified in PUD
<i>Max Density Allowed:</i>	RM30 – 30 units / acre	<i>Max Density Allowed:</i>	PUD – Density specified in PUD

Property History

<i>Zoned:</i>	Pre-1980	<i>Platted:</i>	07/1951 (part)	<i>Annexed:</i>	Pre-1980
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Staff Analysis

The Planning and Zoning Commission, at their meeting of September 28, 2016, called for a public hearing on the proposed zoning change.

Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development (PUD) district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

In Bismarck, a PUD zoning designation has been used to allow the adaptive re-use of existing buildings. Examples of these types of PUDs include Goebel Pediatric Dentistry office (Christian Science Reading Room), the Frankly Scarlett building (mixed-use building), the Bismarck School District administrative offices (Hughes Middle School), the North Dakota Bar Association offices (CB Little House) and before and after-school programs for area families (Saxvik Elementary School).

Adjacent land uses include the Capitol grounds to the west and northwest across State Street, single-family residential to the north and northeast, a mix of multi-family residential and single-family residential to the east, and mixed-density residential to the south across East Boulevard Avenue.

The proposed PUD would allow the development of a community services center in part of the first floor of the building currently occupied by Ruth Meiers Hospitality House (1100 East Boulevard Avenue). The community services center would have a separate entrance in the southwest corner of the building and would be separated from the multi-family housing portions of the building by access-controlled doors. The community services center would provide a variety of services including a food pantry, baby boutique, children's learning center (child care center), salon, medical clinic (JoAnne's Clinic), training programs and educational seminars, and administrative offices for mission-aligned organizations. Many of these services are offered on-site to residents and the proposed zoning change would

allow those services to be provided to low and moderate income families and individuals throughout the community. The nutritional services function would also be expanded to allow meals to be served to attendees of training programs and educational seminars on-site and also to allow preparation of meals to be served at the Emergency Shelter at 303 North 23rd Street.

Neither a soup kitchen nor an emergency shelter would be allowed at this location.

Required Findings of Fact

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is not completely compatible with adjacent land uses and zoning; however, it would allow the adaptive reuse of a portion of an existing building;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
6. The character and nature of the proposed planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
7. The proposed planned unit development would preserve the natural features of the site insofar as possible, including the preservation of trees and natural drainage ways;
8. The internal roadway circulation system within the planned unit development has been

(continued)

adequately designed for the type of traffic that would be generated;

9. Adequate buffer areas have been provided between the planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
10. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
11. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
12. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the PUD – Planned Unit Development zoning district for Lots 1 and 2, Block 1, Replat of Calkins Addition and Auditor's Lots A and B of the SE ¼ of the NE ¼ of Section 33, T139N-R80W (City Lands), as outlined in the attached draft PUD ordinance.

Attachments

1. Section 14-04-18, City Code of Ordinances
2. Draft PUD Ordinance (updated)
3. Location Map
4. Zoning Map
5. Site Plan
6. Proposed Floor Plans
7. Written Statement

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

14-04-18. Planned Unit Developments. It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.

- 1) The existing topographic character of the land;
- 2) Existing and proposed land uses;
- 3) The location of all existing and proposed buildings, structures and improvements;
- 4) The maximum height of all buildings;
- 5) The density and type of dwelling;
- 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
- 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
- 8) Proposed interior buffer areas between uses;
- 9) Acreage of PUD;
- 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
- 11) Landscape plan; and
- 12) Surrounding land uses, zoning and ownership.

b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:

- 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
- 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
- 3) A copy of all proposed condominium agreements for common areas.

c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:

1) Elevations of the front and one side of a typical structure.

2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.

b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

a. Proposal conforms to the comprehensive plan.

b. Buffer areas between noncompatible land uses may be required by the planning commission.

c. Preservation of natural features including trees and drainage areas should be accomplished.

d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.

e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.

a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.

b. All other changes in the planned unit shall be initiated in the following manner:

1) Application for Planned Development Amendment.

a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.

b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)

ORDINANCE NO.

<i>Introduced by</i>	_____
<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 14-03-02 OF THE 1986 CODE OF ORDINANCES, OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO THE BOUNDARIES OF ZONING DISTRICTS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF BISMARCK, NORTH DAKOTA:

Section 1. Amendment. Section 14-03-02 of the Code of Ordinances of the City of Bismarck, North Dakota is hereby amended to read as follows:

The following described property shall be excluded from the RM30 – Residential zoning district and included within the PUD – Planned Unit Development zoning district.

Auditor's Lots A and B of the SE¼ of the NE¼ of Section 33, T139N-R80W (City Lands) and Lots 1 and 2, Block 1, Replat of Calkins Addition.

This PUD is subject to the following development standards:

1. *Uses Permitted.* The use of the property shall be limited to the following:
 - a. Up to 52,000 square feet/**85 units** of permanent rental housing for low and moderate income tenants in efficiency, one-bedroom and two-bedroom apartments on the second and third floor of the main building and in the north building;
 - b. Up to **7,200 8,600** square feet of renewable 30-day residential program housing for low and moderate income tenants on the first, second and third floors of the main building;

- c. Up to ~~26,000~~ 23,000 square feet of community services and programs for tenants and non-tenants on the first floor of the main building, including:
- 1) Up to ~~4,500~~ 1,200 square feet for a food pantry;
 - 2) Up to 200 square feet for a baby boutique that provides baby items;
 - 3) Up to ~~5,000~~ 5,800 square feet for a child care center for up to 45 children;
 - 4) Up to ~~450~~ 500 square feet for a salon;
 - 5) Up to 1,500 square feet for a medical clinic;
 - 6) Up to 2,000 square feet for the storage and distribution of clothes, hygiene products, paper goods and household items;
 - 7) Up to ~~4,500~~ 1,600 square feet for community programs and services, including training programs, education seminars, before and after school programs for children and space for small gatherings;
 - 8) Up to ~~3,300~~ 3,600 square feet for nutritional services, including facilities for the preparation and serving of meals to tenants, for the preparation of food to serve at other off-site Ruth Meiers' facilities, and for the preparation of food to serve to attendees of training programs for adults, educational seminars for adults and before and after school programs for children at this facility;
 - 9) Up to 6,000 square feet for administrative offices for Ruth Meiers Hospitality House and other mission-aligned organizations and service providers; and
 - 10) Up to 600 square feet to provide short term (less than 24 hour) shelter, assessment and essential services to clients that arrive at the facility under Ruth Meier's single point of contact contract outside of normal business hours.
- d. Any use of the property not specifically included herein shall be prohibited, including the use of any portion of the property for an emergency homeless shelter or a soup kitchen.

3. *Development Standards.*

- a. **Site Plans and Building Plans.** Any modification of the site and building shall generally conform to the site plan and building layout plans submitted with the application for the Planned Unit Development.

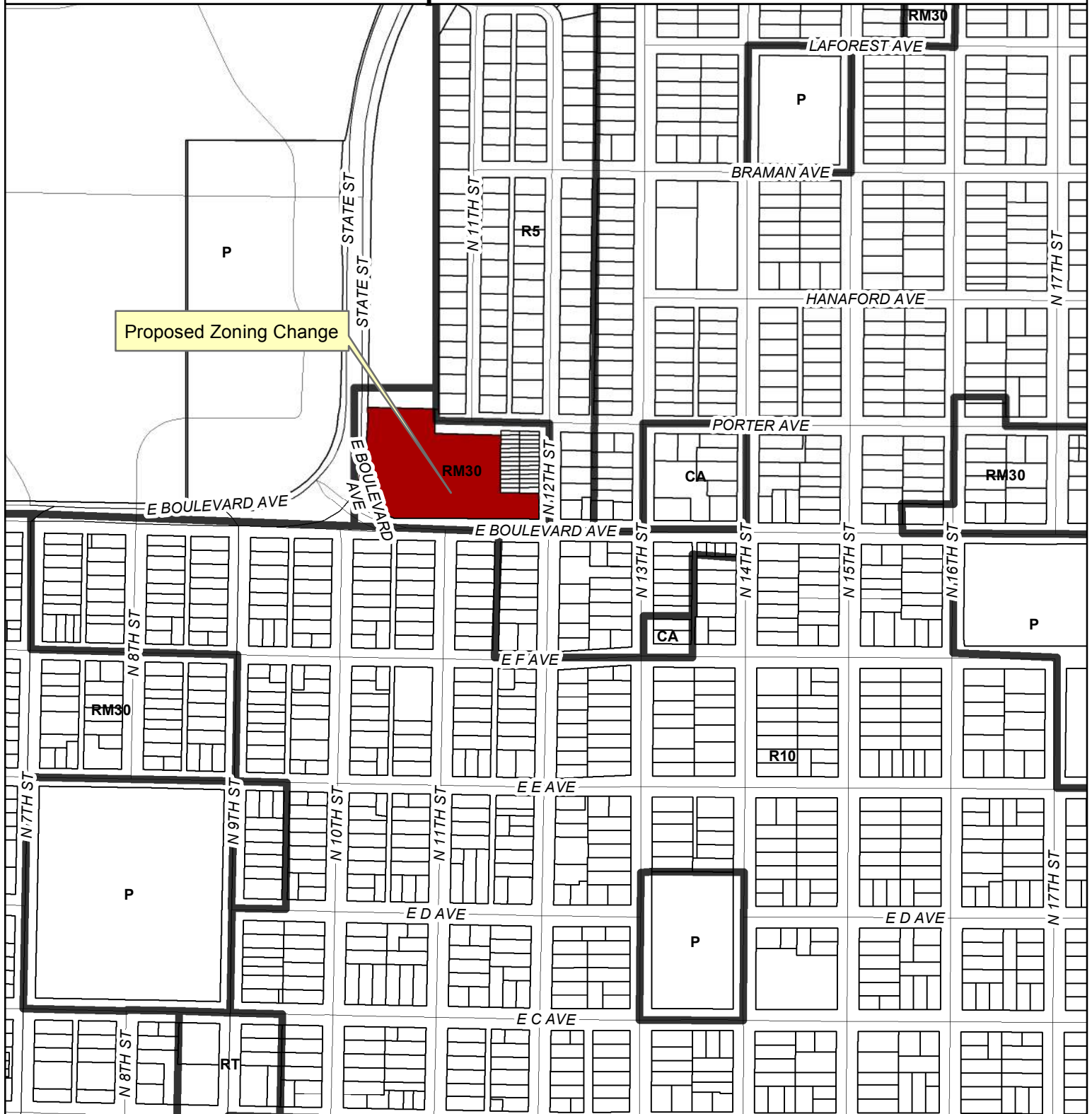
- b. Accessory Buildings. Accessory buildings may be allowed in accordance with the provisions of Section 14-03-06 of the City Code of Ordinances (Incidental Uses) and shall be subject to the same setback requirements as the principal structure.
- c. Outdoor Recreation Area. An outdoor recreation area of not less than 3,375 square feet (75 square feet per child) shall be provided between the main building and the north building in conjunction with the child care center. The outdoor recreation area shall have a minimum width of 20 feet, a minimum depth of 20 feet and shall be fenced with a non-climbable perimeter fence no less than four feet in height.
- d. Parking and Loading. A minimum of ~~136~~ 127 off-street parking spaces shall be provided as shown on the site plan submitted with the application for the Planned Unit Development, with the understanding that the additional 32 off-street parking spaces shown as potential parking expansion will be developed in the future if required by the City. Any new off-street parking areas shall be landscaped in accordance with the provisions of Section 14-03-11 of the City Code of Ordinances (Landscaping and Screening).
- e. Signage. Any signage for the facility shall be installed in accordance with the provisions of Chapter 4-04 of the City Code of Ordinances (Signs and Display Structures). Off-premise advertising signs (billboards) are specifically prohibited within this development.

4. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and approval by the Bismarck Planning & Zoning Commission.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall take effect upon final passage, adoption and publication.

Proposed Zoning Change (RM30 to PUD)
Auditor's Lots A & B, lying in the NE1/4 of the SE1/4 of Section 33
Lands 139-80 and Lots 1 & 2, Block 1
Replat of Calkins Addition

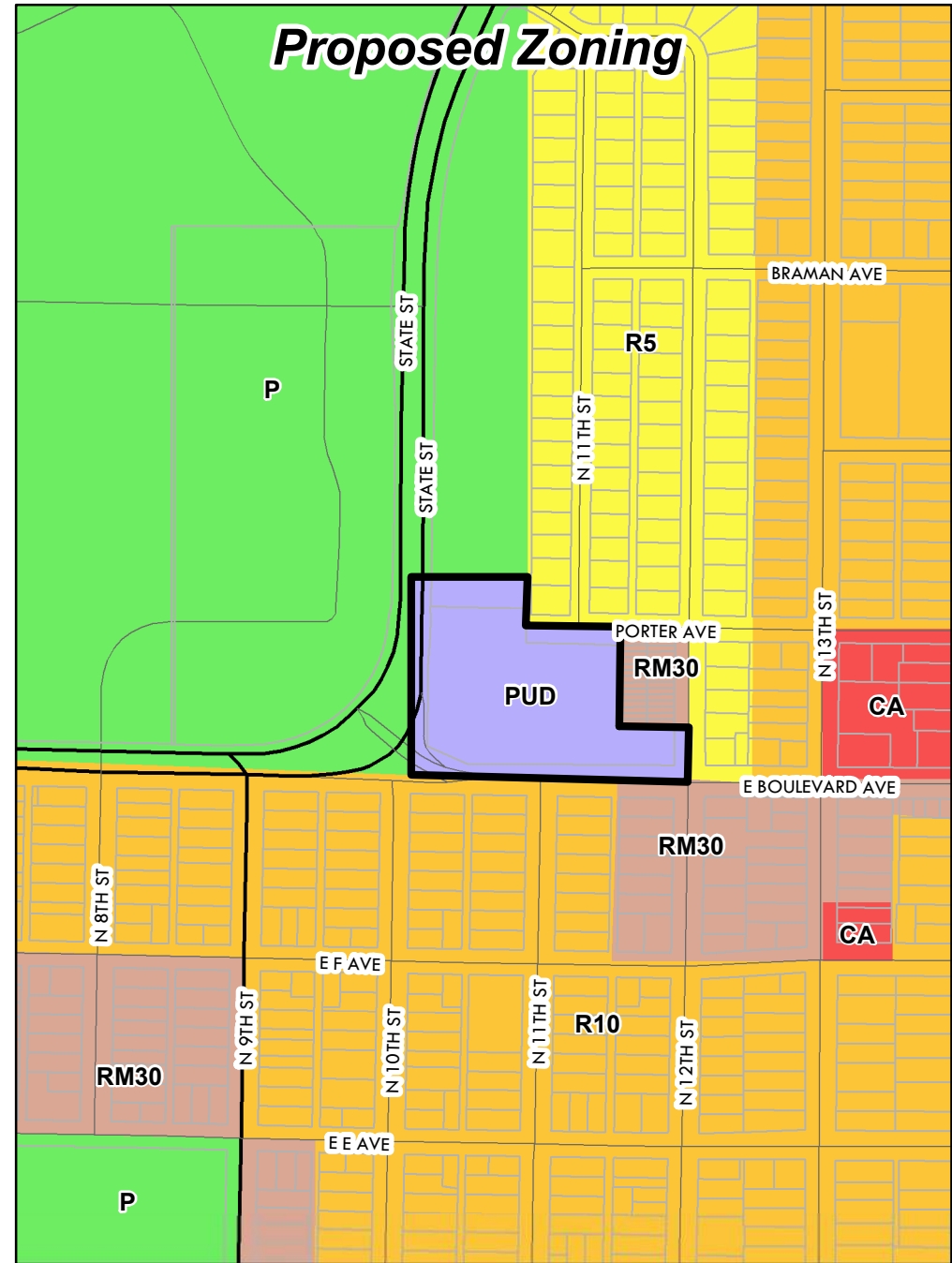
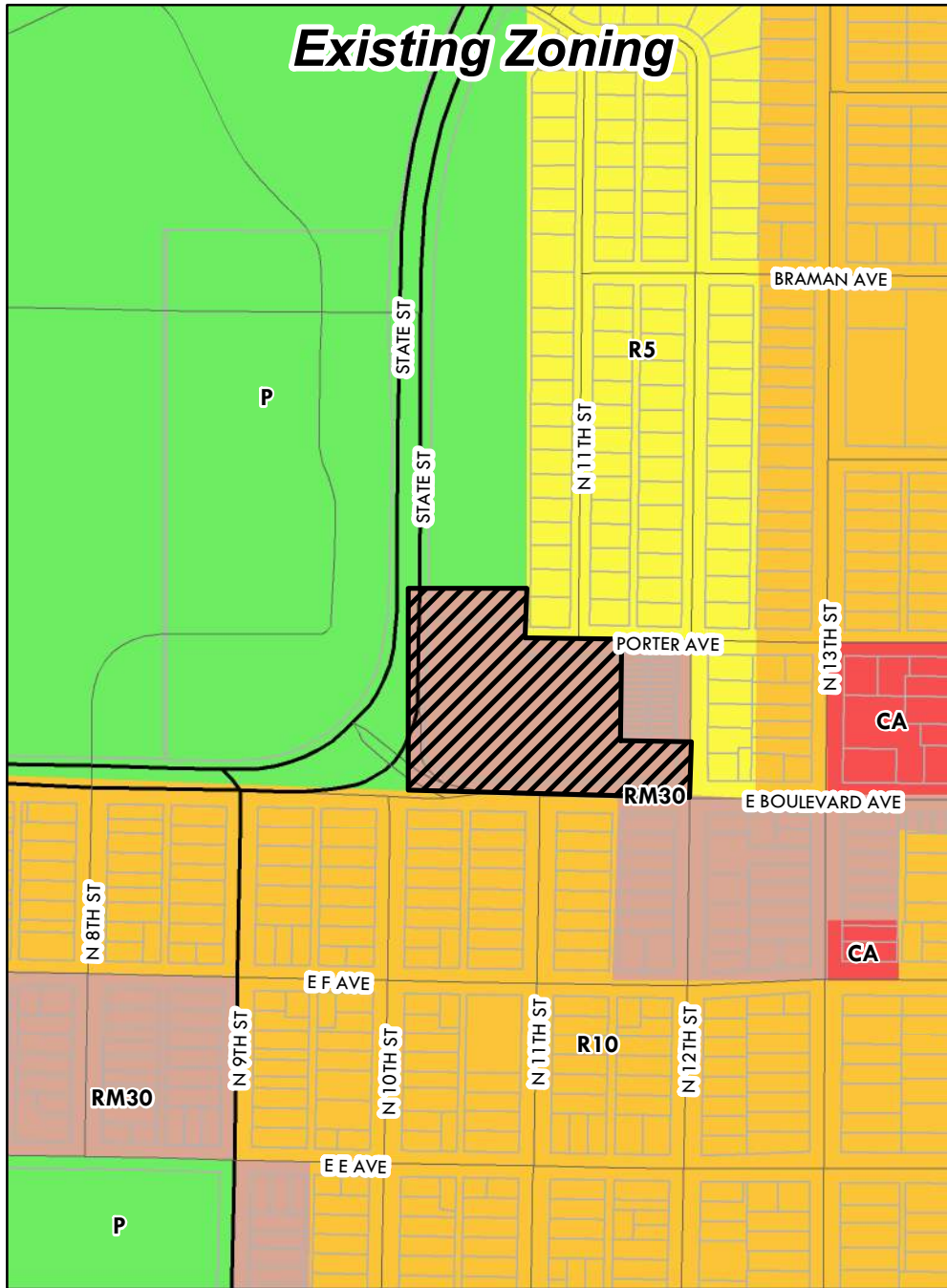




August 26, 2016 (h1b)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Lots within Replat of Calkins Addition - Zoning Change (RM30 TO PUD)




 City Limits  Extraterritorial Area





SPACES	159
ADA SPACES	4

-  EXISTING STRUCT
-  EXISTING PARKING
-  MAJOR PORT OF ENTRY TO
PUBLIC RIGHT OF WAY

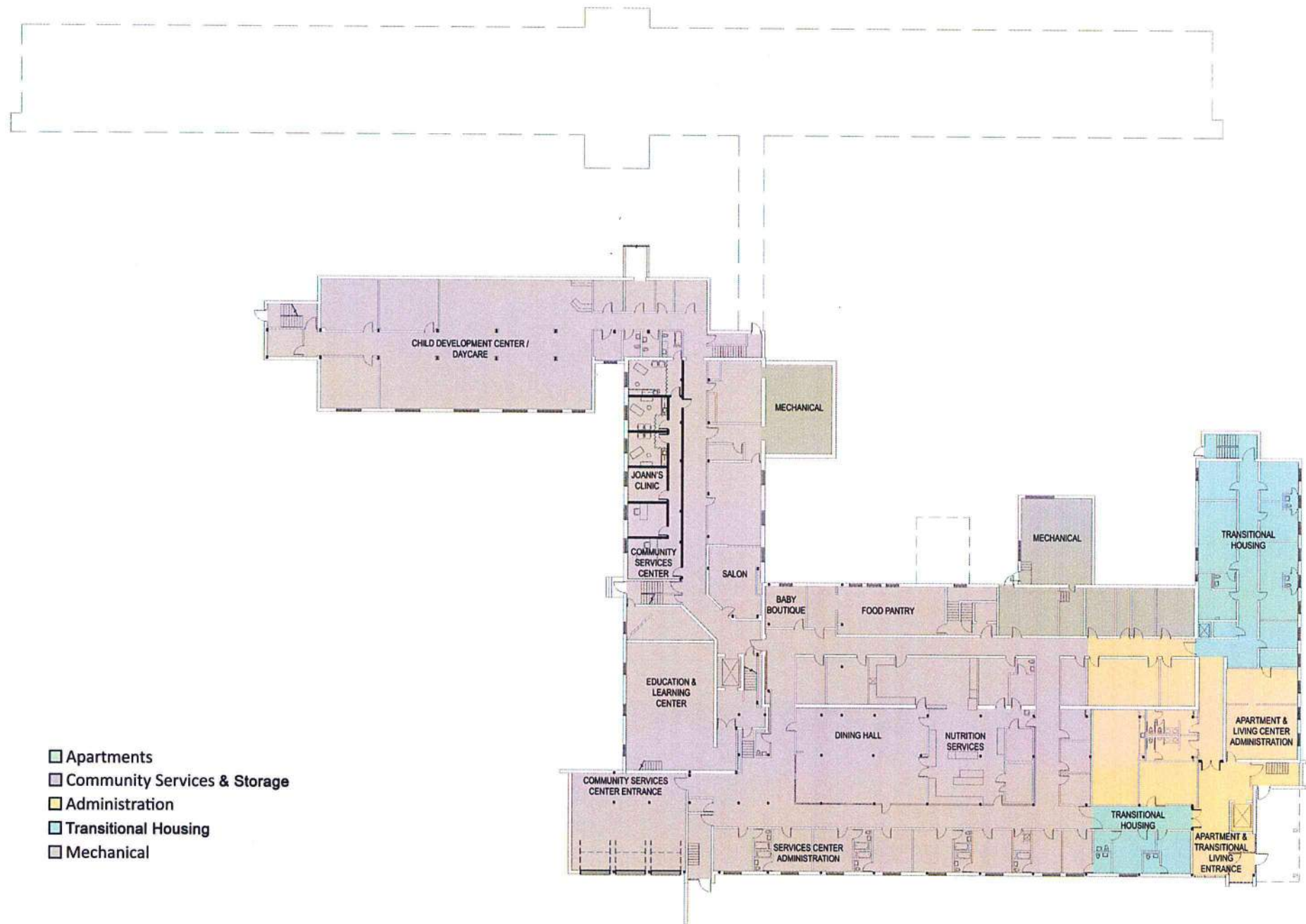
SITE NOTES

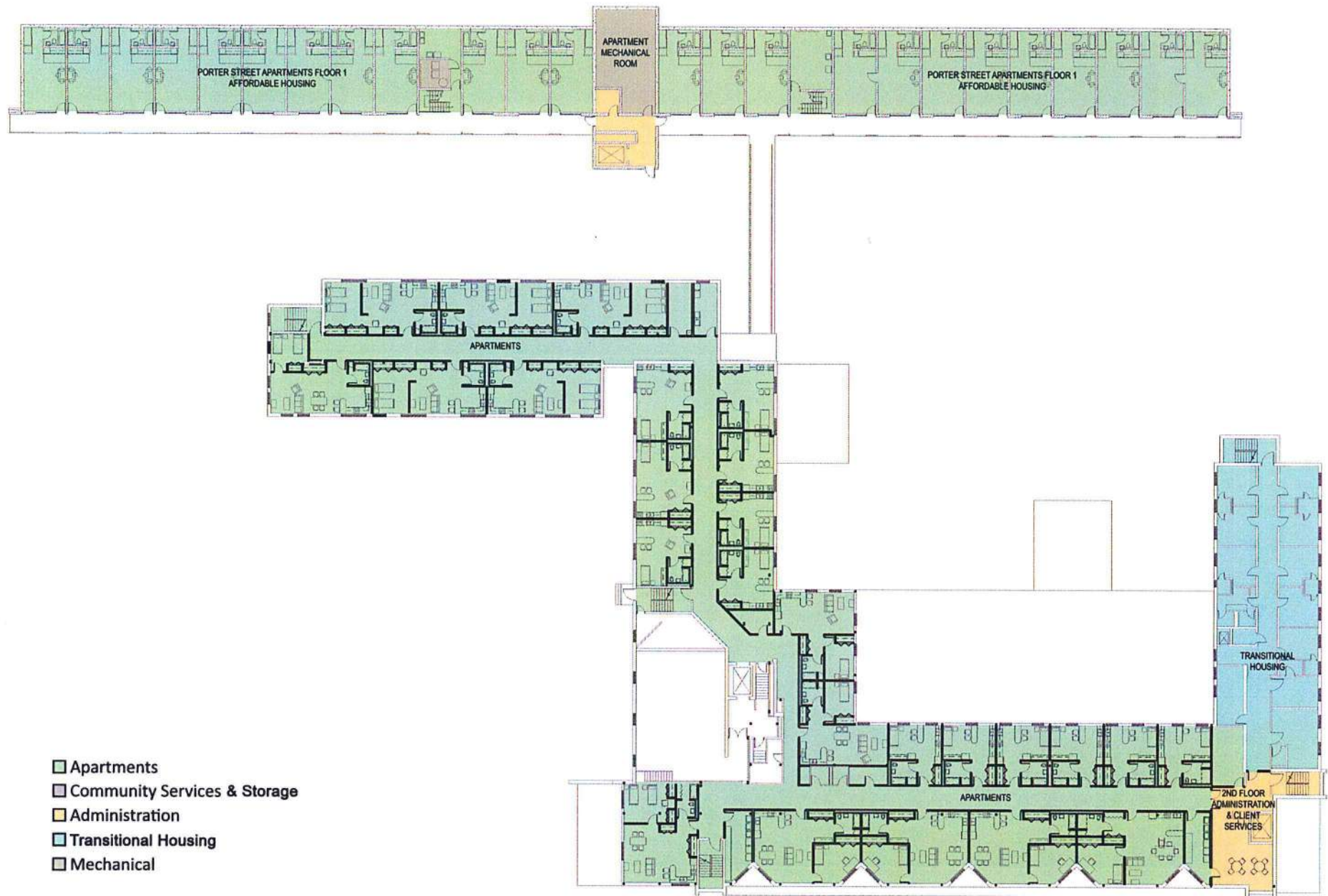
4.04 TOTAL ACRES

THERE ARE NO ADDITIONAL STRUCTURE, ALL EXISTING

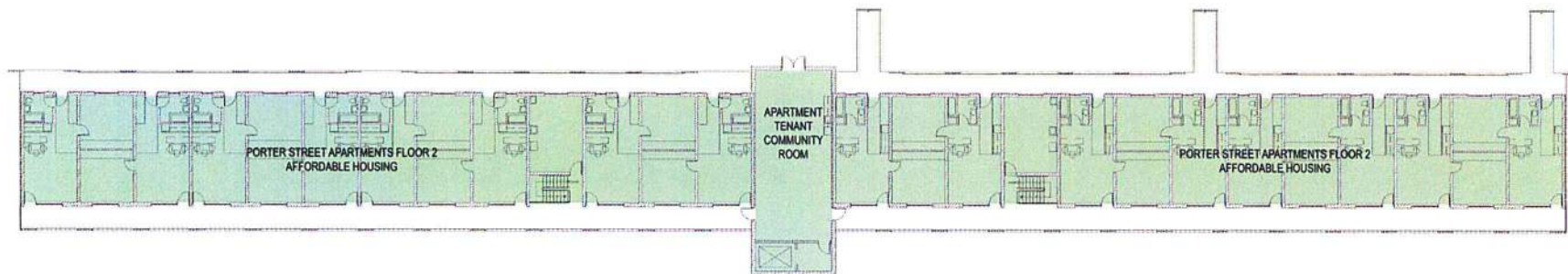
ALL EXISTING LAND USES TO REMAIN AS IS, W/
THE EXCEPTION OF A POTENTIAL PARKING
EXPANSION WHERE INDICATED

FINAL PARKING COUNT TO BE
CONFIRMED/VERIFIED W/ FINAL BUILDING PLAN
AND ZONING OFFICIAL





- Apartments
- Community Services & Storage
- Administration
- Transitional Housing
- Mechanical



- Apartments
- Community Services & Storage
- Administration
- Transitional Housing
- Mechanical

City of Bismarck - PUD Zoning Application

Written Statement

Present Ownership & Legal Description of All Land Included:

Ownership:

The land and all buildings are currently owned by Ruth Meiers Hospitality House, Inc.

Legal Description:

Lot Descriptions are currently being reviewed by the City

- Lot Descriptions:
- W: All of Block 36 exc. L1-2 + N 15' of L3 + all lots 30, 31 & 32 less parcel taken for Highway Row.
 - C: PT NE1/4 COM 85.52'N OF THE NE COR
BLK 96 MCK & COFF, E240', N310.48'
W240' S ON E LINE CAP PARK ADD TO
B EG #13383
 - E: L1 +2, B1 Replat of Calkins Addition

Explanation of Objectives

Ruth Meiers Hospitality House, Inc. is submitting this application for a zoning change from RM30 to PUD, for the "Ruth Meiers Transitional Living and Community Services Center," located at 1100 E. Boulevard Ave. This change is requested to allow for expansion of current services and programs being offered to our on-site resident /tenants and at our 23rd Street Shelter. This request will also allow Ruth Meiers to provide new and additional services and programs to the public and to collaboratively offer client-based programs and services within the center to local and western North Dakota mission-aligned organizations.

The requested change from RM30 to PUD would remove the previously prescribed limitations of use of RM30 zoning of the entire 1100 E. Boulevard facility and provide for Ruth Meiers to establish two distinct programming and service areas. These two areas would be managed as a Transitional Living Facility, providing a 30 day residential housing program, affordable housing units as apartments with tenant/residential services and as a Community Services Center providing residents and nonresident as well as outside agencies access to programs and services. These two distinct service areas with the proposed utilizations and accesses are described on the facility floor plans as attachment.

A PUD is required in order to meet the objectives and fully utilize facilities and to expand our programs and services at the transitional living facility and thru the services center to engage the public in Ruth Meiers' programs and services. The rezoning would allow Ruth Meiers to expand programming to include: off and on-site education and training, development of a collaborative Community Reintegration Program, greater utilization and coordination of the food pantry, job training and employment services, early childhood development and daycare, meal preparation to support Ruth Meiers' 23rd Street

Emergency Shelter and internal services, Ruth Meiers' administration and community organizations' outreach offices, and health and wellness services including the salon and clinic.

Ruth Meiers Hospitality House, Inc. is applying for a PUD at 1100 E Boulevard Ave, Bismarck, ND 58501 to develop greater utilization of the facility, expand services and program offerings for the community and to advance Ruth Meiers' purpose;

"to provide direct and collaborative support to those in need of essential services, education and guidance" and meet its mission;

"to provide pathways to empower individuals (families) in achieving self-sufficiency"

Architectural Drawings

As outlined in the application requirements, architectural drawings are required to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door & window openings. Since there will be no changes proposed with this application to the building's exterior appearance, floor plans for the proposed occupancies are provided.

User Groups:

Below is an outline of the User Groups and estimated square footage occupied through the PUD.

Proposed PUD User Groups:

- Transitional Living
 - o Apartments 52,000SF
 - o 30-Day Residential Program 7,200SF

- Retail Group A
 - o Food Pantry 4,500SF
 - o Baby Boutique 200SF
 - o Children's Learning Center 5,000SF
 - o Salon 450SF

- Offices-Bankgroup
 - o Administration 6,000SF
 - o Community Services 4,500SF

- Service Group A
 - O Nutrition Services 3,300SF
 - O JoAnne's Clinic 1,500SF

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5

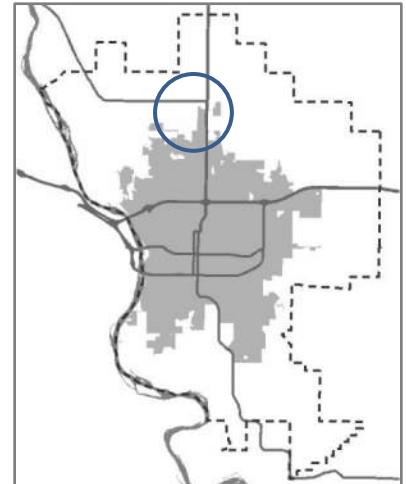
October 26, 2016

Application for: Special Use Permit

TRAKiT Project ID: SUP2016-012

Project Summary

<i>Title:</i>	Lot 2, Block 2, Tree Top Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Tree Investors, LLP (owner) Grey Wolf Properties, LLC (applicant)
<i>Project Contact:</i>	Northwest Contracting, Inc.
<i>Location:</i>	In north Bismarck, between Canada Avenue and Brookside Lane along the west side of US Highway 83.
<i>Project Size:</i>	3.16 Acres
<i>Request:</i>	Approve a special use permit to operate a microbrewery in conjunction with a brewpub.



Site Information

Existing Conditions		Proposed Conditions	
<i>Number of Lots:</i>	1 lot in 1 block	<i>Number of Lots:</i>	1 lot in 1 block
<i>Land Use:</i>	Undeveloped	<i>Land Use:</i>	Microbrewery and brewpub
<i>Designated GMP</i>	Already zoned. Not in Future Land Use Plan	<i>Designated GMP</i>	Already zoned. Not in Future Land Use Plan
<i>Future Land Use:</i>		<i>Future Land Use:</i>	
<i>Zoning:</i>	CG – Commercial	<i>Zoning:</i>	CG – Commercial
<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices	<i>Uses Allowed:</i>	CG – General commercial, multi-family residential, and offices
<i>Max Density Allowed:</i>	CG – 42 units / acre	<i>Max Density Allowed:</i>	CG – 42 units / acre

Property History

<i>Zoned:</i>	04/26/2005	<i>Platted:</i>	05/25/2005	<i>Annexed:</i>	5/25/2005
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Staff Analysis

The applicant is requesting a special use permit to allow the operation of a microbrewery in a CG-Commercial Zoning District. A brewpub would also be located on this site.

A brewpub is a permitted use in the CG-Commercial Zoning District. A microbrewery is allowed as a special use in the CG-Commercial zoning district provided specific conditions are met. The proposed facility meets all the provisions outlined in Section 14-03-08 (3)(u) of the City Code of Ordinances. A copy of that section of the ordinance is attached.

A brewpub is defined in Section 14-02-03 of the City Code of Ordinances (Definitions) as, "A restaurant that manufactures up to 10,000 barrels (31 gallons/barrel = 310,000 gallons) of fermented malt beverages per year for consumption on the premises."

A microbrewery is defined in Section 14-02-03 of the City Code of Ordinances (Definitions) as, "A facility that manufactures up to 10,000 barrels of fermented malt beverages per year for wholesale or sale directly to the consumer."

The applicant has indicated that the proposed special use will manufacture 1,500 barrels of fermented malt beverages per year for wholesale or sale directly to the consumer. In addition, the applicant has provided a letter indicating that the proposed special use will meet all applicable building code, health and sanitation, zoning regulations and license requirements.

The proposed special use would be compatible with adjacent land uses. Adjacent land uses include retail commercial to the north, existing rural residential zoned property to the east across US Highway 83, drainage and open space zoned P-Public to the south across Canada Avenue and a mix of single and two-family dwellings homes to the west.

The proposed special use will not be located within 300 feet of any existing religious institution, public or parochial school, public library, hospital or college or university building as required by Section 14-03-08 (3)(u).

Installation of a landscaping buffer along the western edge of the property adjacent to the residential zoning district is required by Section 14-03-11 (10)(e) of the City Code of Ordinances. The inclusion of this landscaping buffer ensures that the proposed site will not have an adverse impact on the character of the adjacent residential neighborhood.

Required Findings of Fact

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning, provided the required landscape buffer is installed in conjunction with site development;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;
4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare, provided the required landscape buffer is installed in conjunction with site development to provide a visual screen between this commercial use and the existing single and two-family dwellings to the west.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit to allow a microbrewery on Lot 2, Block 2, Tree Top Addition, with the following conditions.

(continued)

1. The construction and operation of a microbrewery must meet all applicable requirements for such a use in the CG-Commercial zoning district.
2. A separate site plan review that meets all the requirements outlined in the City Code of Ordinances must be approved by the City of Bismarck Engineering Department.
3. A landscaping buffer meeting the requirements outlined in 14-03-11 (10)(e) of the City Code of Ordinances must be installed

along the western edge of the property adjacent to the residential zoning district.

Attachments

1. Section 14-03-08 (3)(u), City Code of Ordinances
2. Location Map
3. Site Plan
4. Building Rendering

Staff report prepared by: Will Hutchings, Planner

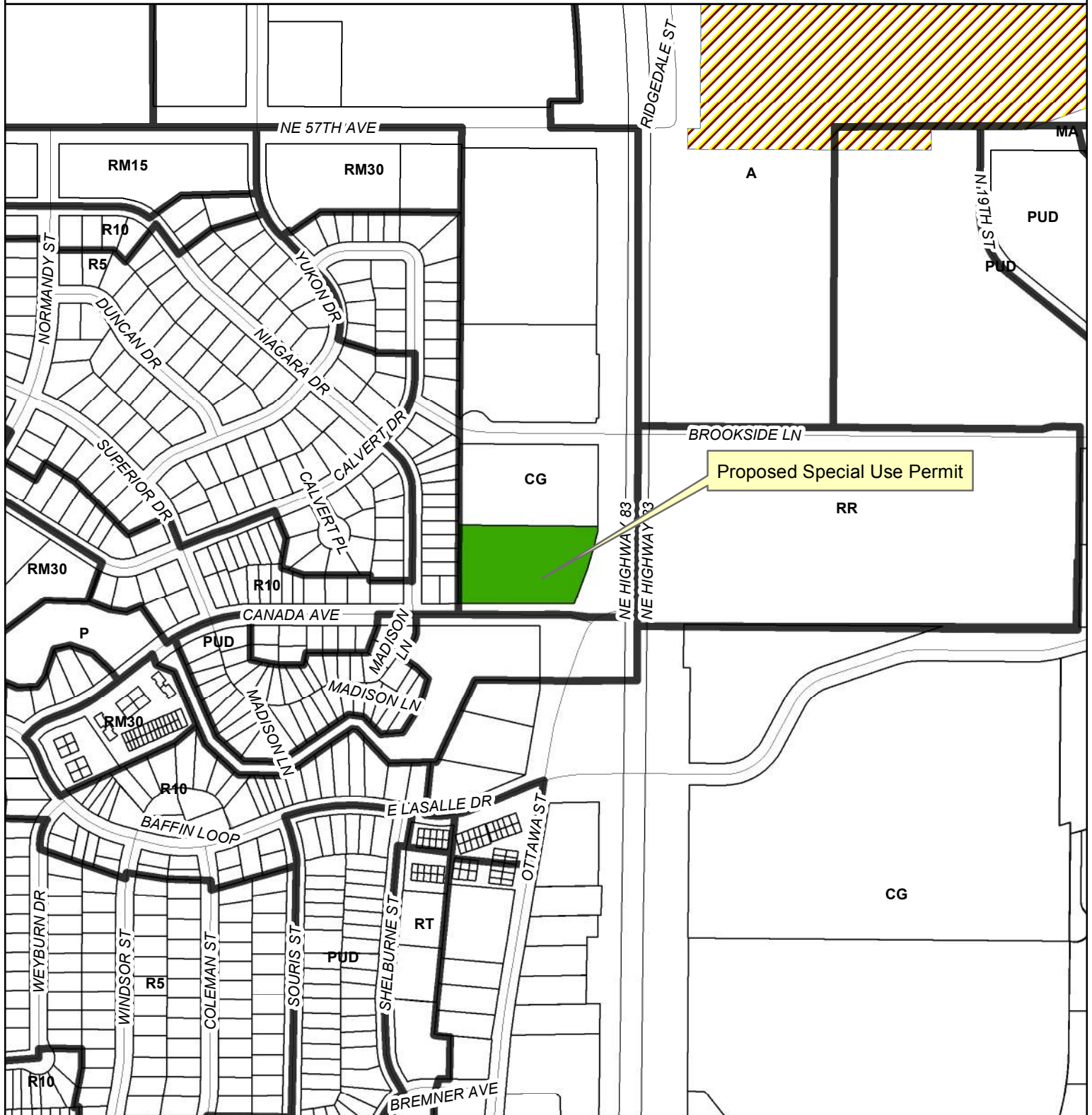
701-355-1850 | whutchings@bismarcknd.gov

14-03-08 (3)(u)

u. Microbrewery. A microbrewery may be permitted in any CG or DC district as a special use provided:

1. The site may not be located within three hundred (300) feet of the nearest lot line of any religious institution, public or parochial school, public library, hospital, or college or university building used for academic purposes, unless the entity(s) affected by the above limitation consent to the granting of the special use permit.
2. A facility at the proposed site will not have an adverse impact on the character of the neighborhood. The following criteria may be used to evaluate proposed sites: the effect on traffic movements in the area; the general nature, character, age and condition of the adjacent development; the proximity to residential areas, regardless of zoning; or any other criteria the City may deem pertinent.
3. All brewing and storage activities are located within a completely enclosed building.
4. The facility complies with all applicable building code, health and sanitation, and zoning regulations.
5. The facility complies with all applicable licensing and operational requirements of the State.
6. Beverages brewed onsite cannot be sold or otherwise provided for consumption on the premises unless the owner of the microbrewery holds the appropriate liquor license from the City. Title 14 & 14.1 97
7. Beverages brewed onsite cannot be sold or otherwise provided to non-wholesale customers for consumption off the premises unless the owner of the microbrewery holds appropriate liquor license from the City.
8. Adequate parking is provided onsite in accordance with the provisions of Section 14-03- 10.

Proposed Special Use Permit Lot 2, Block 2, Tree Top Addition

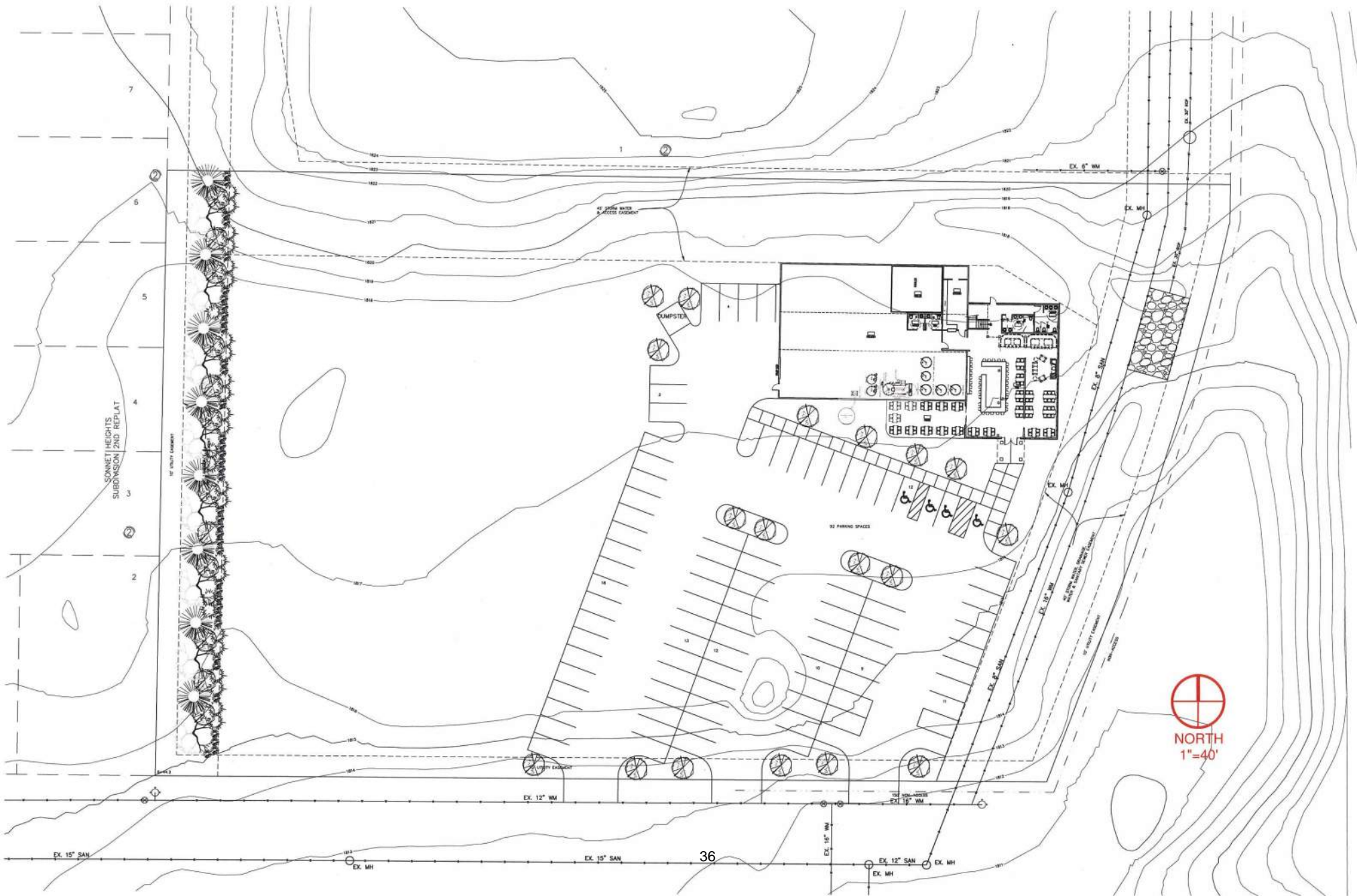


September 23, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

0 200 400 800 Feet







THIS VIEW WOULD BE LOOKING TO THE NORTHEAST FROM THE PARKING LOT.

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Community Development Department

MEMORANDUM INFILL AND REDEVELOPMENT PLAN PUBLIC MEETING

TO: Chairman Wayne Yeager, Planning and Zoning Commission

FROM: Carl D. Hokenstad, AICP *CDH*

DATE: October 20, 2016

City staff have been working with a Technical Advisory Committee to draft an Infill and Redevelopment Plan. If approved by the City Commission, this plan would function as a component of the City's overall Comprehensive Plan. Much like the 2014 Growth Management Plan which guides growth and development on the periphery of the city, the intent of the Infill and Redevelopment Plan is to guide growth and development within the existing city limits.

A formal public hearing for this plan will be scheduled for your regular meeting on November 16, 2016. However, prior to preparing a final draft for your review, the Community Development Department will host a public meeting on the Infill and Redevelopment Plan:

Date: Thursday, November 3, 2016
 Time: 5:30 – 7:00 pm
 Place: Bismarck Veterans Memorial Public Library. Room C.

The meeting will be an open house with a short presentation at the beginning. The purpose is to receive feedback from the public on an initial draft of the plan. This feedback will be reviewed by staff and incorporated into a final draft for your further review. We encourage you to attend this meeting.

If you have any questions or need any additional information about this Plan, please contact Daniel Nairn, AICP at 701-355-1854 or dnairn@bismarcknd.gov.



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**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
September 28, 2016**

The Bismarck Planning & Zoning Commission met on September 28, 2016, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Gabe Schell, Mike Donahue, Vernon Laning, Doug Lee, Mike Schwartz, Mike Seminary, Lisa Waldoch and Wayne Yeager.

Commissioners Brian Bitner and Ken Selzler were absent.

Staff members present were Kim Lee – Planning Manager, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Will Hutchings – Planner, Hilary Balzum – Community Development Administrative Assistant, Jason Hammes – Assistant City Attorney and Charlie Whitman – City Attorney.

MINUTES

Chairman Yeager called for consideration of the minutes of the August 24, 2016 meeting.

Commissioner Laning pointed out that he was not present for the August 24th meeting, but is listed in the vote for the last agenda item. Ms. Balzum said she will make the correction prior to publication of the minutes.

MOTION: Commissioner Lee made a motion to approve the minutes of the August 24, 2016 meeting, with corrections. Commissioner Laning seconded the motion and it was unanimously approved with Commissioners Atkinson, Schell, Donahue, Laning, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

CONSIDERATION

- A. EDEN'S SUBDIVISION – ZONING CHANGE AND PRELIMINARY PLAT**
- B. HARVEST RIDGE SUBDIVISION FIRST REPLAT – PRELIMINARY PLAT**
- C. SONNET HEIGHTS SUBDIVISION SEVENTH REPLAT – ZONING CHANGE**
- D. LOTS 1-2, BLOCK 1, REPLAT OF CALKINS ADDITION AND AUDITOR'S LOTS A & B OF THE SE1/4 OF THE NE1/4 OF SECTION 33, T139N-R80W/CITYLANDS – ZONING CHANGE**

Chairman Yeager called for consideration of the following consent agenda items:

- A. Eden's Subdivision – Zoning Change and Preliminary Plat
- B. Harvest Ridge Subdivision First Replat – Preliminary Plat

- C. Sonnet Heights Subdivision Seventh Replat – Zoning Change
- D. Lots 1-2, Block 1, Replat of Calkins Addition and Auditor's Lots A & B of the SE1/4 of the NE1/4 of Section 33, T139N-R80W/City Lands

MOTION: Commissioner Laning made a motion to approve consent agenda items A, B, C and D, granting tentative approval or calling for public hearings on the items as recommended by staff. Commissioner Waldoch seconded the motion and it was unanimously approved with Commissioners Atkinson, Schell, Donahue, Lee, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**FINAL CONSIDERATION – PARTIAL ANNEXATION
PUBLIC HEARINGS – FUTURE LAND USE PLAN AMENDMENT, ZONING
CHANGE AND FINAL PLAT
MEMORY 1ST ADDITION**

Chairman Yeager called for final consideration of the partial annexation of Memory 1st Addition and the public hearings on an amendment of the Future Land Use Plan to extend the Industrial land use classification southwest of Hay Creek west to North 19th Street; a zoning change from the A-Agriculture zoning district to the CG-Commercial and MA-Industrial zoning districts; and final plat of Memory 1st Addition. The proposed plat is eight lots in three blocks on 66.53 acres and is located north of Bismarck, along the east side of US Highway 83/State Street and the north side of an eastern extension of 57th Avenue NE (Part of the SW1/4 of Section 10 and the NW1/4 of Section 15, T139N-R80W/Hay Creek Township).

Ms. Lee gave an overview of the requests, including the following findings for the annexation:

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Lee then gave the findings for the Future Land Use Plan amendment:

1. The proposed amendment is compatible with adjacent land uses.
2. The proposed amendment is justified by a change in conditions since the Future Land Use Plan was established or last amended.
3. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner.
4. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance.
5. The proposed amendment is consistent with the other aspects of the master plan, other adopted plans, policies and accepted planning practice.
6. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Ms. Lee then gave the findings for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended, if amended as proposed.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Lee then gave the findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer, with written concurrence from the County Engineer.
5. The provision of the neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is not located in an area that is subject to flooding, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, and/or an area that is topographically unsuited for development.
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Lee said, based on the findings in the staff report, staff recommends approval of the partial annexation; the proposed amendment to the Future Land Use Plan to extend the Industrial classification in the southwest portion of the SW¹/₄ of Section 10, T139N-R80W west to the future extension of North 19th Street from 57th Avenue NE north to where Hay Creek crosses North 19th Street; the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district on Lots 1 & 2, Block 1 and Lots 1 & 2, Block 2 and to the MA – Industrial zoning district on Lots 1-4, Block 3; and the final plat for Memory 1st Addition, with the understanding that individual lots will be annexed and that all municipal

services needed to serve that lot, including roadways and utilities, will be in place or under contract prior to development of that lot.

Commissioner Seminary said the City has had recent discussions regarding the creation of donut holes with annexations similar to this request. He said these can cause some challenges and asked if discussions have been had as it relates to this annexation request.

Ms. Lee said this annexation would create an extension of other un-annexed pieces, but she anticipates those surrounding pieces coming into the City in the future.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

Commissioner Lee asked if a time frame can be put on the surrounding unannexed parts in order to avoid any development issues.

Michael Gunsch, Houston Engineering, Inc., said the existing fireworks stand on the property will take some time to move, but will possibly be done within the next year and once that is relocated, the remaining lots can start being annexed. He said he will explore the exact time frame with the owner.

Commissioner Lee said he would like something to be done to make sure the requirement for annexation is revisited within two years so developers know this type of annexation is not ideal.

Commissioner Seminary said once exceptions start being made, it will set a precedent for similar requests.

Mr. Gunsch asked if development of North 19th Street and the requirement for annexation within two years can be included in a developers agreement. Ms. Lee said that has been done in the past, so it is an option here.

Commissioner Schell said he does not know how enforceable the annexation requirement would be even if it is included in the developers agreement, in the event the owner changes their mind.

Commissioner Seminary said these requests still need to be considered by the City Commission, so it might be best to move these forward for discussions before that board.

Commissioner Laning asked if the owner is the same throughout the subdivision. Mr. Gunsch said it is all the same owner so as it is developed, parts will be sold off and the owners are aware of the requirements.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to recommend approval of the partial annexation; the proposed

amendment to the Future Land Use Plan to extend the Industrial classification in the southwest portion of the SW¼ of Section 10, T139N-R80W west to the future extension of North 19th Street from 57th Avenue NE north to where Hay Creek crosses North 19th Street; the zoning change from the A – Agricultural zoning district to the CG – Commercial zoning district on Lots 1 & 2, Block 1 and Lots 1 & 2, Block 2 and to the MA – Industrial zoning district on Lots 1-4, Block 3; and the final plat for Memory 1st Addition, with the understanding that individual lots will be annexed and that all municipal services needed to serve that lot, including roadways and utilities, will be in place or under contract prior to development of that lot. Commissioner Lee seconded the motion and the request was approved with Commissioners Atkinson, Donahue, Laning, Schell, Schwartz, Seminary and Waldoch voting in favor of the motion. Commissioner Lee and Yeager opposed the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-UP SERVICE)
LOT 1, BLOCK 7, STONECREST 2ND ADDITION**

Chairman Yeager called for the public hearing on a request for a special use permit for the operation of a drive-through oil change service facility in conjunction with a tire repair business on Lot 1, Block 7, Stonecrest 2nd Addition. The property is located in east Bismarck, between East Calgary Avenue and Greensboro Drive and between Centennial Road and French Street along the eastern edge of French Street (3601 French Street).

Mr. Hutchings gave an overview of the request, including the following findings:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the special use permit for Lot 1, Block 7, Stonecrest 2nd Addition, for the construction and operation of a drive-through oil change facility, with the following conditions:

1. The service facility must meet all applicable requirements for such a use in the CG-Commercial zoning district.
2. The development of the site must generally conform to the site plan submitted with the application.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the special use permit for Lot 1, Block 7, Stonecrest 2nd Addition, for the construction and operation of a drive-through oil change facility, with the following conditions: 1. The service facility must meet all applicable requirements for such a use in the CG-Commercial zoning district; and 2. The development of the site must generally conform to the site plan submitted with the application. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

Hay Creek Township Supervisor Quirin Friese joined the meeting at this time.

**PUBLIC HEARING – SPECIAL USE PERMIT (ACCESSORY BUILDING)
LOT 3, BLOCK 1, HAY CREEK PINES SUBDIVISION**

Chairman Yeager called for the public hearing on a request for a special use permit to increase the total area of accessory buildings on the property to 3,190 square feet by constructing a 2,400 square foot accessory building with a 350 square foot covered patio and a 440 square foot covered patio. The property is located north of Bismarck, east of US Highway 83, between 97th Avenue NE and 84th Avenue NE, along the west side of Forest Drive (9506 Forest Drive).

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.

3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit to increase the total area of accessory buildings on the property to 3,190 square feet by constructing a 2,400 square foot accessory building with a 350 square foot covered patio along the east side of the building and a 440 square foot covered patio along the west side of the building on Lot 3, Block 1, Hay Creek Pines Subdivision.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

Chairman Yeager asked if Hay Creek Township had any comments to provide on this request. Mr. Friese said the Township discussed the special use permit at their last meeting and nobody had any objections.

MOTION: Based on the findings contained in the staff report, Commissioner Schwartz made a motion to approve the special use permit to increase the total area of accessory buildings on the property to 3,190 square feet by constructing a 2,400 square foot accessory building with a 350 square foot covered patio along the east side of the building and a 440 square foot covered patio along the west side of the building on Lot 3, Block 1, Hay Creek Pines Subdivision. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – SPECIAL USE PERMIT (DRIVE-THROUGH SERVICE)
LOT 2B OF LOT 2, BLOCK 1, 43RD AVENUE COMMERCIAL PARK 2ND
ADDITION**

Chairman Yeager called for the public hearing on a request for a special use permit to bring an existing drive-through in conjunction with a coffee shop (Rocket Coffee) in a multi-tenant building into compliance. The property is located in north Bismarck, west of US Highway 83, in the northeast quadrant of the intersection of 43rd Avenue and Coleman Street (4401 Coleman Street).

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance.
2. The proposed special use is compatible with adjacent land uses and zoning.
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area.
4. Adequate public facilities and services are in place or would be provided at the time of development.
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity.
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic.
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth said, based on the findings contained in the staff report, staff recommends approval of the special use permit for Lot 2B of Lot 2, Block 1, 43rd Avenue Commercial Park 2nd Addition to allow a drive-through in conjunction with a coffee shop (Rocket Coffee) in a multi-tenant building, with the following condition:

1. The development of site must generally conform to the site plan submitted with the application.

Commissioner Seminary asked why this is needed since there is already a drive-through in place at this location. Ms. Wollmuth said the business opened prior to a special use permit being issued, so this would bring it into compliance.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Seminary made a motion to approve the special use permit for Lot 2B of Lot 2, Block 1, 43rd Avenue Commercial Park 2nd Addition to allow a drive-through in conjunction with a coffee shop (Rocket Coffee) in a multi-tenant building, with the following condition: 1. The development of site must generally conform to the site plan submitted with the application. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
ELIMINATION OF CR ZONING DISTRICT – SECTIONS 14-03-06, 14-03-08, 14-04-01, 14-04-13 AND 14-05-05.1**

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to the elimination of the CR-Commercial zoning district.

Mr. Nairn explained that the proposed amendment would remove the CR – Commercial zoning district from Title 14 and eliminate references to the CR and CB zoning districts throughout Title 14.

Mr. Nairn then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Mr. Nairn said, based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment that removes the CR – Commercial zoning district from Title 14 and eliminates references to the CR and CB zoning districts throughout Title 14, as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning ordinance text amendment that removes the CR – Commercial zoning district from Title 14 and eliminates references to the CR and CB zoning districts throughout Title 14, as presented. Commissioner Waldoch seconded the motion and the request was unanimously approved with Commissioners Atkinson, Donahue, Lee, Laning, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT
INCIDENTAL USES/ACCESSORY USES & RMH – RESIDENTIAL ZONING
DISTRICT – SECTIONS 14-03-06 AND 14-04-05**

Chairman Yeager called for the public hearing on a zoning ordinance text amendment relating to Incidental Uses/Accessory Uses and the RMH-Residential zoning district.

Ms. Lee explained that the proposed amendment would clarify the maximum permitted accessory building size allowed in the RMH-Residential zoning district.

Ms. Lee then gave the following findings:

1. The proposed text amendment would not adversely affect the public health, safety or general welfare.
2. The proposed text amendment is justified by a change in conditions since the zoning ordinance was originally adopted or clarifies a provision that is confusing, in error or otherwise inconsistent with the general intent and purpose of the zoning ordinance.
3. The proposed text amendment is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed text amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice.

Ms. Lee said based on the findings in the staff report, staff recommends approval of the zoning ordinance text amendment to clarify provisions for accessory buildings in the RMH Residential zoning district, as presented.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to recommend approval of the zoning ordinance text amendment to clarify provisions for accessory buildings in the RMH-Residential zoning district, as presented. Commissioner Lee seconded the

motion and the request was unanimously approved with Commissioners Atkinson, Donahue, Laning, Lee, Schell, Schwartz, Seminary, Waldoch and Yeager voting in favor of the motion.

OTHER BUSINESS

There was no other business to discuss at this time.

ADJOURNMENT

There being no further business, Vice Chairman Lee declared the Bismarck Planning & Zoning Commission adjourned at 5:31 p.m. to meet again on October 26, 2016.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2016

*****City*****

*****ETA*****

	9/2016		9/2015		9/2016		9/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	32	\$6,141,456.00	24	\$4,940,221.56	5	\$1,186,901.00	8	\$1,946,523.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	12	\$1,998,861.00	4	\$553,837.00	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	0	\$0.00	2	\$4,613,475.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	10	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	0	\$0.00	27	\$2,001,360.00	0	\$0.00	1	\$782,000.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	1	\$3,004.63	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	0	\$0.00	1	\$24,300.00	0	\$0.00	0	\$0.00
SCHOOLS & EDUCATIONAL	0	\$0.00	1	\$1,012,600.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	3	\$65,646.00	4	\$156,908.63	2	\$99,564.50	1	\$69,650.00
RESIDENTIAL GARAGES	10	\$82,496.00	21	\$185,344.00	8	\$113,768.00	7	\$74,464.00
DECKS PORCHES & COVERED PATIOS	19	\$57,105.00	21	\$79,167.00	2	\$9,240.00	7	\$16,080.00
SWIMMING POOLS & SPAS	3	\$166,913.00	2	\$112,880.00	0	\$0.00	0	\$0.00
OTHER	8	\$98,211.50	6	\$484,000.00	0	\$0.00	0	\$0.00
HOME OCCUPATION	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	1	\$2,160.00	2	\$4,440.00	1	\$5,760.00	0	\$0.00
BASEMENT FINISH	8	\$34,830.00	11	\$50,734.75	3	\$16,340.00	2	\$14,492.25
COMMERCIAL BUILDINGS	23	\$13,685,266.00	23	\$8,088,898.00	2	\$93,600.00	0	\$0.00
COMMERCIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	2	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	9	\$150,000.00	1	\$23,500.00	0	\$0.00	0	\$0.00
Total	142	\$22,482,944.50	160	\$22,334,670.57	23	\$1,525,173.50	26	\$2,903,209.25

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2016

*****City*****

*****ETA*****

	9/2016		9/2015		9/2016		9/2015	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	22	\$0.00	39	\$3,000.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	22	\$0.00	38	\$59,500.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	14	\$0.00	19	\$300.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	2	\$10.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	32	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	8	\$22,205.00	8	\$55,335.00	2	\$1,100.00	2	\$5,500.00
BUILDING MECHANICAL FIREPLACE	12	\$35,311.00	11	\$53,988.00	1	\$6,100.00	3	\$15,316.00
BUILDING MECHANICAL HVAC APPLIANCE	32	\$175,973.50	13	\$47,340.00	4	\$21,452.00	6	\$18,805.00
BUILDING MECHANICAL NEW CONSTRUCTION	31	\$1,580,987.00	51	\$1,046,520.00	2	\$508,800.00	6	\$156,530.00
BUILDING MECHANICAL WATER HEATER	17	\$19,183.00	16	\$14,448.00	2	\$4,799.00	1	\$1,846.00
BUILDING PLUMBING	52	\$1,315,116.00	76	\$1,811,782.27	8	\$56,077.00	22	\$169,330.00
BUILDING SEPTIC	0	\$0.00	0	\$0.00	11	\$0.00	20	\$0.00
Total	210	\$3,148,775.50	305	\$3,092,223.27	30	\$598,328.00	60	\$367,327.00

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 9/2016**

	*****City*****		*****ETA*****	
	9/2016	9/2015	9/2016	9/2015
Living Units	Units	Units	Units	Units
FIVE OR MORE FAMILY	0	54	0	0
MANUFACTURED HOMES	10	1	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	12	4	0	0
SINGLE FAMILY DETACHED	32	24	5	8
Total	54	83	5	8

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PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 10/2016

*****City*****

*****ETA*****

	10/2016		10/2015		10/2016		10/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	200	\$40,733,985.90	221	\$42,137,283.54	31	\$8,277,451.18	65	\$14,424,447.20
ROWHOUSE (2) 1-HR FIRE SEPARATION	125	\$19,324,552.50	63	\$9,201,376.45	0	\$0.00	0	\$0.00
ROWHOUSE	6	\$576,000.00	0	\$0.00	0	\$0.00	0	\$0.00
2-UNIT DUPLEX OR CONDO	6	\$1,050,342.00	3	\$208,660.50	0	\$0.00	0	\$0.00
FIVE OR MORE FAMILY	2	\$8,036,000.00	6	\$18,980,475.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	47	\$0.00	57	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME	1	\$0.00	2	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	1	\$1,800.00	0	\$0.00	0	\$0.00	0	\$0.00
MOTELS	0	\$0.00	1	\$24,000.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	4	\$110,000.00	24	\$311,716.00	0	\$0.00	1	\$0.00
AMUSEMENT & RECREATION	1	\$125,750.00	1	\$249,353.40	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	1	\$99,622.00	2	\$53,513.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	16	\$3,008,830.00	88	\$31,202,096.40	0	\$0.00	7	\$3,730,064.73
HOSPITALS & INSTITUTIONAL	4	\$155,000.00	6	\$29,833,091.63	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	5	\$3,280,139.00	10	\$12,418,234.00	0	\$0.00	1	\$182,500.00
SCHOOLS & EDUCATIONAL	2	\$3,265,847.00	4	\$6,210,343.00	1	\$18,000,000.00	4	\$9,429,745.00
RETAIL SALES	5	\$2,488,600.00	3	\$4,880,140.00	0	\$0.00	0	\$0.00
OTHER NEW	4	\$427,120.70	32	\$1,796,895.85	0	\$0.00	1	\$10,000.00
PUBLIC BUILDINGS	0	\$0.00	1	\$41,664,400.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	25	\$958,308.00	18	\$653,939.64	19	\$640,890.25	13	\$921,254.45
RESIDENTIAL GARAGES	66	\$725,624.02	88	\$709,950.00	69	\$1,437,172.00	59	\$1,532,130.00
DECKS PORCHES & COVERED PATIOS	191	\$666,316.02	174	\$533,809.50	27	\$108,330.00	45	\$136,005.00
SWIMMING POOLS & SPAS	9	\$586,969.70	10	\$525,550.00	6	\$332,274.00	3	\$186,000.00

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 10/2016

*****City*****

*****ETA*****

	10/2016		10/2015		10/2016		10/2015	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
OTHER	60	\$1,414,132.98	62	\$2,987,365.59	8	\$219,100.00	4	\$185,806.00
HOME OCCUPATION	3	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
STORAGE SHEDS	21	\$61,898.00	13	\$26,771.50	9	\$73,080.00	2	\$1,000.00
BASEMENT FINISH	123	\$609,867.25	122	\$622,220.37	38	\$210,389.85	40	\$217,372.03
COMMERCIAL BUILDINGS	172	\$74,184,847.00	100	\$72,797,150.39	18	\$1,987,350.00	5	\$1,311,000.00
OFFICE BUILDINGS	1	\$7,500.00	10	\$1,527,055.00	0	\$0.00	0	\$0.00
OTHER ADDITIONS	0	\$0.00	13	\$1,998,188.00	0	\$0.00	3	\$275,000.00
PUBLIC BUILDING	0	\$0.00	4	\$134,000.00	0	\$0.00	0	\$0.00
MULTI-FAMILY TO SINGLE-FAMILY	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
RESIDENTIAL	4	\$0.00	2	\$0.00	0	\$0.00	1	\$0.00
COMMERCIAL	5	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
FIREWORKS SALES	0	\$0.00	0	\$0.00	13	\$0.00	14	\$0.00
NURSERY STOCK SALES	5	\$0.00	5	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	17	\$0.00	10	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	83	\$783,138.55	96	\$1,292,034.17	0	\$0.00	1	\$2,400.00
SIGN ALTERATION	11	\$128,349.04	6	\$85,711.00	0	\$0.00	0	\$0.00
Total	1227	\$162,810,539.66	1265	\$283,065,323.93	239	\$31,286,037.28	269	\$32,544,724.41

PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 10/2016

*****City*****

*****ETA*****

	10/2016		10/2015		10/2016		10/2015	
Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC ALTERATION	481	\$661,651.00	392	\$93,535.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	289	\$7,000.00	372	\$278,700.00	0	\$0.00	1	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	178	\$35.00	168	\$62,190.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	22	\$0.00	18	\$2,260.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	15	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	16	\$0.00	3	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	113	\$276,870.00	135	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL OTHER	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL POOL	6	\$0.00	6	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	1	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	97	\$888,234.00	98	\$2,851,442.00	23	\$3,519,879.00	22	\$80,660.00
BUILDING MECHANICAL FIREPLACE	106	\$343,603.00	145	\$595,790.00	18	\$67,300.00	19	\$88,072.00
BUILDING MECHANICAL HVAC APPLIANCE	297	\$1,841,699.84	101	\$693,679.00	31	\$226,753.00	17	\$123,130.00
BUILDING MECHANICAL NEW CONSTRUCTION	401	\$14,004,355.55	467	\$20,952,117.05	51	\$1,923,695.00	66	\$1,569,219.00
BUILDING MECHANICAL OTHER	2	\$2,453.00	16	\$228,184.00	0	\$0.00	1	\$10,450.00
BUILDING MECHANICAL WATER HEATER	228	\$337,105.69	183	\$257,266.99	19	\$31,599.00	28	\$37,773.03
BUILDING PLUMBING	494	\$12,387,178.53	520	\$15,372,316.27	59	\$1,074,927.11	97	\$1,266,713.00
BUILDING SEPTIC	2	\$0.00	0	\$0.00	44	\$0.00	92	\$0.00
BUILDING SEPTIC EVALUATION	0	\$0.00	0	\$0.00	1	\$0.00	0	\$0.00
Total	2748	\$30,750,185.61	2649	\$41,387,480.31	246	\$6,844,153.11	344	\$3,176,017.03

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 10/2016**

*****City*****

*****ETA*****

	10/2016	10/2015	10/2016	10/2015
Living Units	Units	Units	Units	Units
MOTELS	0	0	0	0
OTHER NEW	0	0	0	0
FIVE OR MORE FAMILY	78	201	0	0
OTHER NEW	0	0	0	0
ROWHOUSE	6	0	0	0
MANUFACTURED HOMES	45	9	0	0
2-UNIT DUPLEX OR CONDO	12	4	0	0
ROWHOUSE (2) 1-HR FIRE SEPARATION	125	62	0	0
SINGLE FAMILY DETACHED	200	220	31	61
Total	466	496	31	61